



## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2025	2026	2027	2028	2029
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____ (\$0)	_____	_____	_____	_____
External Revenues	_____ (\$0)	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____ \$0	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes \_\_\_\_\_ No X  
Does this item include the use of federal funds? Yes \_\_\_\_\_ No X  
Does this item include the use of state funds? Yes X No \_\_\_\_\_

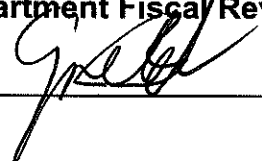
#### Budget Account No.:

Fund 1229 Department 381 Unit 3302 Object 3401  
Fund 1232 Department 381 Unit 3312 Object 3401  
Task E197 Sub Task ILWL

### B. Recommended Sources of Funds/Summary of Fiscal Impact:

No fiscal impacts at this time. Should the grant be awarded, a budget amendment will be submitted to the Board for approval.  
Matching funds will come from existing Florida Department of Environmental Protection Grant Agreement No. LPA0721 (R2024 0560).

### C. Department Fiscal Review:

  
\_\_\_\_\_

## III. REVIEW COMMENTS

### A. OFMB Fiscal and /or Contract Dev. and Control Comments:

 4/8/2025  
OFMB DAH/8 JA 4/8  
APR 9/8

 4/5/25  
Contract Development & Control  
ZB 4.9.25

### B. Legal Sufficiency:

 4/10/25  
Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
Department Director



# WATERWAYS ASSISTANCE PROGRAM APPLICATION PACKAGE

Part 2. Attachment E



**Florida  
Inland  
Navigation  
District**



**FY 2025-2026**

**WATERWAYS ASSISTANCE PROGRAM**  
**APPLICATION PACKAGE**  
**Part 2. Attachment E**

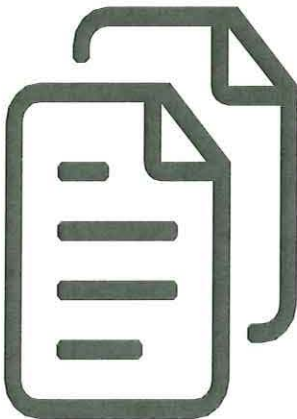
**SUBMIT THE APPLICATION INFORMATION IN  
THE ORDER LISTED ON THE CHECKLIST.  
(See Attachment E-1)**

**Applications must be received by the District by 4:30 p.m. on March 28, 2025.**

**Application Submission:**

Electronic copies: two separate PDF files per instructions):

PDF #1: Items 1-8 and PDF #2: Items 9-11



Electronic submission via email to:

[CKelley@aicw.org](mailto:CKelley@aicw.org)

(pdf file size 15MB or less)

**Application must be received by the deadline, no exceptions.**



## **Attachment E - Applicant Tips Sheet**

### **(Mistakes Common to the application process and how to avoid them)**

#### **SCHEDULING**

The new application is available by January each year, and District funding is available AFTER October 1st of each year. Applicants should plan their schedule to avoid commonly missed deadlines: Application due – 28<sup>th</sup> of March; Property control/Technical sufficiency items – 14<sup>th</sup> of May, Permits – 16<sup>th</sup> of September. (Staff suggestion: Begin to secure property control and permits PRIOR to applying for funding.)

#### **PROPERTY CONTROL VERIFICATION**

Please have your attorney complete and sign the form in the application verifying applicant property control. In the case of leases or management agreements, please forward a copy to the District well in advance of the deadline to verify consistency with our program rules. (Staff suggestion: Resolve this requirement outside the application "window".)

#### **PROJECT COSTS ELIGIBILITY**

Please note the eligible project costs in Rule Section 66B-2.008, F.A.C. If you are not sure about an item's eligibility, ask! Note: Any ineligible cost, including in-house project management and administration, is also not eligible for an applicant's match. Make sure you have delineated your required minimum cost-share on the project cost estimate. (Staff suggestion: If you have questions about the eligibility of an item, work up a mock cost-sheet and send it to our office well before the deadline.)

#### **COST-SHARE**

Although the applicant must provide a minimum of 50% of the total project costs (25% for eligible public navigation dredging), there is no specific requirement to split each item. (Staff suggestion: You may want to organize project elements in a certain manner for easier accounting.)

#### **PRE-AGREEMENT EXPENSES**

Rule 66B-2.005(3), F.A.C. requires any activity in the submitted project cost estimate occurring PRIOR to October 1st to be considered as pre-agreement expenses. The Board's past philosophy has been to fund only those projects that require District funding assistance to be completed. It is best to avoid pre-agreement expenses if possible. Note: Pre-agreement expenses must be limited to 50% or less of the total project costs, and they are eligible for only ½ of the original District funding. (Example: A project with a total cost of \$200,000 is Board-approved for one-half construction PRIOR to October 1st. In this case, District funding will be limited as follows: Only 50% of the \$100,000 project cost prior to October 1st is eligible as project expenses (i.e. \$50,000). Then only ½ of the eligible project expenses (\$50,000) are eligible for District funding assistance (i.e. \$25,000).

#### **SUBMITTED MATERIALS & JUNE PRESENTATION**

The Board must review and evaluate every application and each year we receive about 90 applications for consideration. The final product for the Board's review is two 8-1/2" x 11" spiral-bound notebooks containing the essential information for the application. NOTE: Make sure your final submitted material is the same material you will be presenting to the Board at our June meeting. This will avoid confusion and strengthen your presentation. (Staff suggestion: Limit the submitted materials to the requested information, in the required format and make sure it is consistent with your June presentation. Do not submit additional material at the June presentation!)

#### **ELECTRONIC SUBMISSIONS**

Grant applications are ONLY being accepted by email. Grant applications shall be submitted via email as two (2) pdf attachments (15mb max size and see attachment instructions on the next page). Make sure to label your pdf attachments with the applicant and project title. You will receive a confirmation email letting you know that your application has been received. Email your completed application to [CKelley@aicw.org](mailto:CKelley@aicw.org)

**Applications must be received by the District by 4:30 p.m. on March 28, 2025.**

**ATTACHMENT E-1**  
**Waterways Assistance Program FY2025**  
**Applicant Checklist**

Project Title:	Providencia Cay Habitat Restoration
Applicant:	Palm Beach County Board of County Commissioners

This checklist and the other items listed below in items 1 through 11 constitute your application. The required information shall be submitted in the order listed.

Electronic copies (2 separate PDF files per instructions – PDF File 1: Items 1-8, PDF File 2: Items 9-11) shall be emailed (15mb maximum file size) to CKelley@aicw.org.  
Applications must be received by the deadline, no exceptions.

	<u>YES</u>	<u>NO</u>
1. District Commissioner Review (prior to March 4th) <b>(NOTE: For District Commissioner initials ONLY!) (District Commissioner must initial the yes line on this checklist for the application to be deemed complete)</b>	<u>AB</u>	_____
2. Application Checklist Attachment E-1 (Form No. 25-10, 2 pages) <b>(Form must be signed and dated)</b>	<input checked="" type="radio"/>	<input type="radio"/>
3. Application and Evaluation Worksheet Attachment E-2 (Form No. 25-15) <b>(First Page of Form Must be Signed)</b>	<input checked="" type="radio"/>	<input type="radio"/>
4. Project Cost Estimate Attachment E-3 (Form No. 25-20, 1 page) <b>(Must be on District form)</b>	<input checked="" type="radio"/>	<input type="radio"/>
5. Project Timeline Attachment E-4 (Form No. 25-25, 1 page)	<input checked="" type="radio"/>	<input type="radio"/>
6. County/City Location Map	<input checked="" type="radio"/>	<input type="radio"/>
7. Project Boundary Map	<input checked="" type="radio"/>	<input type="radio"/>
8. Clear and Detailed Site Development Plan Map	<input checked="" type="radio"/>	<input type="radio"/>

**Continued on Next Page**



- |  | <u>YES</u>                       | <u>NO</u>                        |
|--|----------------------------------|----------------------------------|
| 9. Official Resolution Form Attachment E-5 (Form No. 25-30, 2 pages)(Resolution must be on District Form and includes items 1-6) | <input checked="" type="radio"/> | <input type="radio"/>            |
| 10. Attorney's Certification (Land Ownership) Attachment E-6 (Form No. 25-35, 1 page)  | <input type="radio"/>            | <input checked="" type="radio"/> |
| 11. Copies of all Required Permits: ACOE, DEP, WMD (Requirement of Construction & Dredging Projects)                             | <input checked="" type="radio"/> | <input type="radio"/>            |

The undersigned, as applicant, acknowledges that Items 1 through 11 above constitutes a complete application and that this information is due in the District office no later than 4:30 PM, March 28, 2025. By May 14, 2025, my application must be deemed complete (except for permits) or it will be removed from any further consideration by the District. I also acknowledge that the information in Item 11 is due to the District no later than September 16, 2025. If the information in Item 11 is not submitted to the District office by September 16, 2025, I am aware that my application will be removed from any further funding consideration by the District.

**Deborah Drum**

Director, Dept. of Environmental Resources Management

Print Liaison Name  
  
 Liaison Signature

Title  
 3-28-2025  
 Date

**FIND OFFICE USE ONLY**

Date Received: \_\_\_\_\_

Local FIND Commissioner Review \_\_\_\_\_

All Required Supporting Documents: \_\_\_\_\_

Applicant Eligibility: \_\_\_\_\_

Project Eligibility \_\_\_\_\_ Available Score: \_\_\_\_\_

Compliance with Rule 66B-2 F.A.C.: \_\_\_\_\_

Eligibility of Project Cost: \_\_\_\_\_



**ATTACHMENT E-2**

Waterways Assistance Program FY2025

**Application and Evaluation Worksheet**

Local Sponsor: Palm Beach County Board of County Commissioners	Department: Environmental Resources Management
Project Title: Providencia Cay Habitat Restoration	Use "Phase I" for Design Projects. Use "Phase II" for Construction if you received FIND funding for Phase I Work.
Project Director: Deborah Drum	Email: ddrum@pbc.gov
Grant Liaison: (If Different from Director) Eric Anderson	Email: eanderson1@pbc.gov
Mailing Address: 2300 North Jog Road 4th Floor	
City: West Palm Beach	Zip Code: 33411
Phone Number: 561-233-2400	
Project Address: Island is approximately 3.5 miles south of Port of Palm Beach	
Requested FIND Funding:	500,000
Eligible Matching Funds Amount:	500,000
Match Percentage:	50%
Total Project Costs:	1,000,000
Applicant's Funding Source:	State of Florida Legislative Appropriations and Palm Beach County

  
\*\*Applicant Signature Certifying the Above Information\*\***Deborah Drum**

Print Name

**Project Summary: Maximum 200 Words**

Providencia Cay Habitat Restoration will enhance approximately 6 acres of Lake Worth Lagoon by creating seagrass, oyster reef, and mangrove habitats. In partnership with the marine community, the project accomplishes restoration through beneficial re-use of 52,000 cubic yards of dredged material that will cap fine grain muck sediments and placement of limestone rocks to create suitable seagrass habitat and one wetland mangrove island. The project will also serve as a natural buffer between the ICW and the existing hardened shoreline, providing for both refuge and safer passage by listed species, such as manatees and sea turtles, and vessels recreating outside of the navigational channel. Waterway signs will be installed to warn of shallow areas and submerged rocks. The finished island will provide an eco-tourism destination to observe and interact with fish and wildlife in a variety of ways such as fishing, paddle sports, birding, an outdoor classroom and wildlife viewing. The project is part of an ongoing effort which creates a Paddling Blueway Trail between the City of West Palm Beach's Currie Park Boat Ramp and downtown's South Cove Natural Area.

1. Priority Category:

- a) Choose one priority category of this project from the application instructions based upon the predominant cost of the project elements.

Environmental restoration, enhancement or mitigation projects.

- b) Explain how the project fits into this priority category

In its current state, organic sediments have accumulated from storm water discharges, resulting in poor water quality and reducing habitat value. Placement of clean sand caps those organic muck sediments and provides suitable substrate to restore critical coastal wetland habitat. This project involves the restoration and enhancement of 6 acres of seagrass, salt marsh, mangrove and oyster/artificial reef habitat, which is vital to the health of the Lake Worth Lagoon.

- c) Explain how the project relates to the District's Waterways and the mission of the Florida Inland Navigation District.

This project is adjacent to and directly west of the ICW. The capping of muck sediments and restoration of seagrass habitat will greatly improve water quality in the waterway and provide habitat for fish and wildlife. The beneficial re-use of compatible sediments provides cost savings and opportunity to utilize materials from public dredge projects.

2. Ownership of Project Site:

Own ☐ Leased ☐ Other ☒

If leased or other, please describe lease or terms and conditions:

State of Florida Sovereignty Submerged Lands. Proprietary authorization has been issued by the Florida Department of Environmental Protection.

3. Has the District previously provided assistance funding to this project or site?

Yes ☒ No ☐

4. If yes, please list the project name, number and funding amount received:

Providencia Cay Habitat Restoration, PB-22-220, \$365,000

5. What is the current level of public access in terms of the number of boat ramps, boat slips and trailer parking spaces, linear feet of boardwalk (etc.) if applicable?

Access to this area is currently limited to boats and kayaks. There is a boat and kayak launch approximately 0.5 miles to the north at Currie Park.

6. How many additional ramps, slips, parking spaces or other access features will be added by this project, and what is the approximate number of registered vessels estimated to use the constructed project?

7. Public Usage & Benefits:

- a) What public access or navigational benefit to the District's waterways will result from this project? How will this project enhance public access to the District's waterways, and what specific navigational benefits will it provide to the community?

This Project will stabilize existing muck sediments and prevent their migration into the ICW and other adjoining waterways, thereby reducing the frequency of maintenance dredging. Construction of the oyster reefs and island will further stabilize the adjacent shoreline.

- b) What is the current demand for public access or navigation facilities in the area, and how does this project address unmet needs or improve upon existing facilities?

This project will restore critical shallow water habitat for fish and wildlife and improve water quality. Increased paddling opportunities on the Lagoon will give users a greater appreciation of the value of the Lagoon and build increased public support for improved management and restoration and boating destinations. This area will be part of the Lagoon Blueway Kayak Trail connecting Currie Park to downtown West Palm Beach.

- c) How does the project fit within regional or local maritime management plans, public access initiatives, or comprehensive plans, and how does it contribute to broader public usage goals?

The Project is identified within the 2021 Lake Worth Lagoon Management Plan. Further the Project provides a recreational destination for inshore fishing, paddling, birding and wildlife viewing.

- d) Has the local Sponsor implemented or plans to implement any boating access, speed zone, commercial access or other restrictive use in the area of this site?

A navigational aid will be installed to mark shallow water rocks.



8. Fees & Maintenance:

Are there any fees associated with the use of this facility?

Yes ☐

No ☒

If answered Yes:

a) List or provide a fee schedule.

b) Provide a listing of the fees charged by similar facilities, public and private, in the project area.

c) Pursuant to Rule 66B-2.004(11), if there are any fees, please explain how these fees are tracked and what they are used for.

d) Clearly demonstrate how the project will continue to be maintained and funded after initial funding is completed.

9. Please list all Environmental Resource Permits required for this project:

Agency	Y/N	Date Applied	Date Received
Water Management District	N		
Dept of Environmental Protection	Y	5/24/2021	7/22/2021
USACE	Y	5/24/2021	5/22/2022

### 10. a) **Construction**

This question is to be answered only if this application is for a **Construction** project.

In the summary box at the bottom of this page, please address each of the bullet points listed below to maximize your score for this competitive grant application.

---

#### PERMITTING:

- Have all required environmental permits been applied for? (USACE, DEP and WMD) If permits are NOT required, explain why not.
- Detail any significant impediments that may have been identified that would potentially delay the timely issuance of the required permits.
- For Phase I design, permitting, and engineering projects, please provide a general cost estimate for the future Phase II construction work.

#### CONSTRUCTION TECHNIQUES:

- What is the design life of the project and proposed materials?
- What considerations, if any, have been made for storm surge and hurricane impacts in the design and life span of this project?

**Construction Project:** Maximum 200 Words (Address all bullet points above)

Project permits were issued in 2021 and 2022. The Project is designed in partnership with the marine community resulting in a timeline contingent on a beneficial reuse sand source. Two sand source projects are identified, South Lake Worth Inlet Sediment Trap Expansion and Lake Worth Inlet Flood Shoal Dredging. Once beneficial reuse sand is placed to lines and grades at the Project site, the County will have a marine contractor mobilize equipment by barge. Rock placement will be accomplished with an excavator. The barge will be used as the construction platform and for conveyance of materials. A john boat will be used to position turbidity curtains. Materials to be used include (1) Clean sand to cap muck and provide elevations for desired habitat features, (2) Limerock boulders to stabilize sand cap and provide substrate for oysters, (3) Filter fabric to minimize scouring of sand between the limerock boulders, (4) Plants including red mangroves and smooth cordgrass and (5) concrete or steel pilings for navigational signage. The use of native limerock and sand at specific habitat elevations ensures the Project's long term success and stability against storm surge and hurricane impacts through colonization by mangroves and oysters.

**10. b) Environmental Education**

This question is to be answered only if this application is for an **Environmental Education** project.

In the summary box at the bottom of this page, please address each of the bullet points listed below to maximize your score for this competitive grant application.

---

**DILIGENCE:**

- Who is the primary target audience or user group for the project and how were they identified?
- How have the needs of the target audience been evaluated and met?
- How many people will the program serve on an annual basis? What will be the measurable results?
- Describe the materials and project deliverables to be produced by this project.
- Describe the plan for dissemination of the materials produced through the project,

**EXPERIENCE & QUALIFICATIONS:**

- Please briefly describe the qualifications of the program administrator(s), including prior experience, and areas of expertise.
- What previous projects of this nature have been completed by the program manager?

**PROJECT GOALS:**

- What are the long-term goals of this project as it relates to the ICW?
- What is the expected duration/frequency of this program?

**Environmental Education Project:** Maximum 400 Words (Address all bullet points above)



**10. c) Law Enforcement and Boating Safety Projects**

This question is to be answered **only** if this application is for **Law Enforcement and Boating Safety** projects.

In the summary box at the bottom of this page, please address each of the bullet points listed below to maximize your score for this competitive grant application.

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**WATERWAY RELATIONSHIP:**

- Describe how the project will enhance boating access, safety, or enforcement efforts on the waterway, and address the identified needs or benefits for public safety.

**EXPERIENCE & QUALIFICATIONS:**

- List the personnel tasked with the implementation of this project, their qualifications, previous training and experience.

**DELIVERABLES:**

- Describe the project deliverables and why this particular law enforcement vessel, equipment or facility improvements was selected or are necessary.

**AREA OF COVERAGE**

- What is the range or area of coverage for this project?

**Law Enforcement and Boating Safety Project: Maximum 200 Words (Address all bullet points above)**

**10. d) Inlet or Public Navigation**

This question is to be answered **only** if this application is for an **Inlet or Public Navigation** dredging project.

In the summary box at the bottom of this page, please address each of the bullet points listed below to maximize your score for this competitive grant application.

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**WATERWAY RELATIONSHIP:**

- Will the project inhibit sediment inflow into, or reduce the dredging frequency of the Intracoastal Waterway channel?
- How does the project directly benefit the Intracoastal Waterway channel?
- Identify any long-term sedimentation problems and briefly discuss any methods or activities that will address these issues.

**PUBLIC ACCESS**

- Describe in brief detail how the project will enhance public access to or from the Intracoastal Waterway? List the upstream publicly accessible facilities with improved access because of this project.

**BENEFICIAL PROJECT ELEMENTS:**

- Describe any economic benefits to be realized by implementing this project.

**PROJECT MAINTENANCE:**

- When was this area last dredged? What is the expected frequency of future dredging? Where will the dredged material be relocated to?

**Inlet or Public Navigation Project: Maximum 200 Words (Address all bullet points above)**

**10. e) Beach Renourishment**

This question is to be answered only if this application is for a **Beach Renourishment** project.

In the summary box at the bottom of this page, please address each of the bullet points listed below to maximize your score for this competitive grant application.

---

**WATERWAY RELATIONSHIP:**

- Describe how the District and other navigation interests will benefit from the implementation of this project.

**VIABILITY:**

- Is the project site defined as critically eroded area by a statewide beach management plan?
- Cite the quantifiable rate of erosion in this area.
- Is the project an important component of an overall beach management effort?

**PUBLIC BENEFITS:**

- Are there quantifiable public benefits demonstrated by the project?
- Is there adequate public access to the project area? Please describe location and amount.

**PROJECT FUNDING:**

- Describe any assistance funding from other sources.
- Clarify the availability of long-term funding for this project.

**Beach Renourishment Project:** Maximum 200 Words (Address all bullet points above)



### 11. Disaster Relief

This question is to be answered only if this application is for repairs/construction of waterways facilities damaged by a declared natural disaster.

In the summary box at the bottom of this page, please address each of the bullet points listed below to maximize your score for this competitive grant application.

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#### STORM DAMAGE EVALUATION:

- List the State of Emergency declaration order or proclamation & the name and date of the storm/event. [Pursuant to State of emergency declared under Chapter 252, F.S.]
- Describe the extent of the damage that was caused due to the storm/event and any Construction/Resiliency Improvements planned for the project.
- What is the current status of your FEMA paperwork for the project?

#### PROJECT FUNDING:

- Describe the other funding mechanisms and financial assistance that will be applied to defray the reconstruction costs or damage repair

**Disaster Relief Project:** Maximum 200 Words (Address all bullet points above)

## ATTACHMENT E-3

### Waterway Assistance Program FY2025

#### PROJECT COST ESTIMATE

(See Rule Section 66B-2.005 & 2.008 for eligibility and funding ratios)

<b>Project Title:</b>	Providencia Cay Habitat Restoration Project
<b>Applicant:</b>	Palm Beach County Board of County Commissioners

<b>Project Elements</b> <i>(Please list the MAJOR project elements and provide general costs for each one. For Phase I Projects, please list the major elements and products expected)</i>	<b>Total Estimated Cost</b>	<b>Applicant's Cost</b> (To the nearest \$50)	<b>FIND Cost</b> (To the nearest \$50)
CONSTRUCTION SURVEYS & AS BUILT DRAWINGS	30000	15000	15000
SUPPLY / INSTALL FILTER FABRIC	90000	45000	45000
WARNING SIGN INSTALLED COMPLETE	40000	20000	20000
MOBILIZATION (contractor supplied staging site)	100000	50000	50000
SUPPLY / TRANSPORT / LOAD / INSTALL ARMOR STONE (2' TO 3' STONE)	500000	250000	250000
SUPPLY / TRANSPORT / LOAD / INSTALL BEDDING STONE (3" TO 6" STONE)	240000	120000	120000

<b>**TOTALS =</b>	1000000	500000	500000
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**ATTACHMENT E-4**  
**Waterways Assistance Program FY2025**  
**PROJECT TIMELINE**

<b>Project Title:</b>	<b>Providencia Cay Habitat Restoration Project</b>
<b>Applicant:</b>	<b>Palm Beach County Board of County Commissioners</b>

The applicant is to present a detailed timeline on the accomplishment of the components of the proposed project including, as applicable, completion dates for: permitting, design, bidding, applicant approvals, initiation of construction and completion of construction. NOTE: All funded activities must begin AFTER October 1<sup>st</sup> or be consistent with Rule 66B-2.005(3) - Pre-agreement expenses.

2020: Project Design  
2021-2022: Permitting  
2024: Development of Construction Plans and Specifications  
2025: Solicitation/Selection/Award  
2026: Construction  
2026-2027: Project Close-out



NOTE: THESE DRAWINGS ARE FOR  
PERMITTING PURPOSES ONLY.

# COUNTY OF PALM BEACH STATE OF FLORIDA

## PROVIDENCIA CAY HABITAT ENHANCEMENT

### BOARD OF COUNTY COMMISSIONERS

DAVE KERNER, MAYOR  
DISTRICT 3

MARIA G. MARINO  
DISTRICT 1

MARIA SACHS  
DISTRICT 5

GREGG K. WEISS  
DISTRICT 2



MELISSA McKINLAY  
DISTRICT 6

ROBERT S. WEINROTH  
DISTRICT 4

MACK BERNARD  
DISTRICT 7

### INDEX OF DRAWINGS

SHEET NO.	DESCRIPTION
1	COVER SHEET
2	GENERAL NOTES
3	EASEMENTS & PROJECT LIMITS
4	BATHYMETRY & PROPOSED FILL AREAS
5	PLAN
6	CROSS-SECTIONS
7	TYPICAL CROSS-SECTIONS
8	OYSTER REEF DETAILS
9	SPUR JETTY DETAILS
10	QUANTITIES



Scale: AS NOTED  
Drawn By: CG  
Date: 5/21/2021

PROVIDENCIA CAY HABITAT ENHANCEMENT  
PERMIT PLANS

COVER SHEET

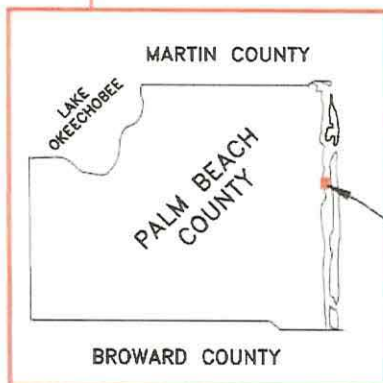
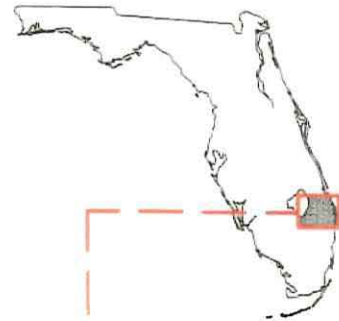
Project:

Sheet:

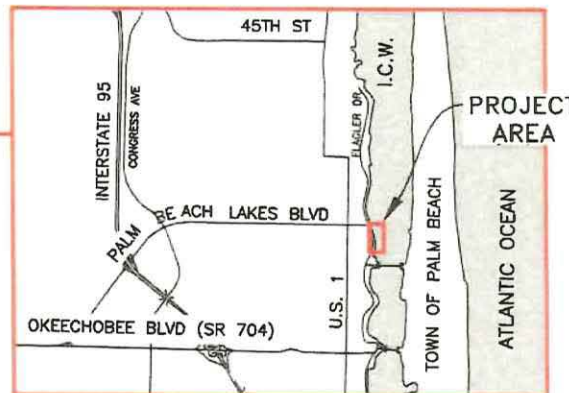
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OF

10



N.T.S.



N.T.S.



**NOTE: THESE DRAWINGS ARE FOR  
PERMITTING PURPOSES ONLY.**

**GENERAL SCOPE OF PROJECT:**

1. FILL AN AREA WITH SAND TO -6' NAVD, TO BUILD A PLATEAU ON WHICH AN ISLAND CAN BE BUILT, OYSTER HABITAT CAN BE CONSTRUCTED, AND TO PROVIDE SEAGRASS HABITAT.
2. FILL AN AREA ON THE PLATEAU TO -0.5' NAVD TO CREATE THE ISLAND.
3. INSTALL A ROCK REVETMENT ON THE ISLAND PERIMETER FOR SOIL STABILIZATION AND OYSTER HABITAT.
4. EXTEND A SPUR JETTY FROM THE REVETMENT FOR ADDED EROSION PROTECTION AND OYSTER HABITAT.
5. PLACE BEDDING STONE IN THREE PILES, EACH 1' THICK, ON THE WESTERN EDGE OF THE ISLAND AS OYSTER BANKS.
6. ADD AN EMERGENT OYSTER REEF AND THREE OYSTER PODS OF ROCK ON THE PLATEAU.
7. PLANT MANGROVES AND SPARTINA ON THE ISLAND.
8. FILL THE REMAINDER OF THE EXISTING DREDGE HOLE WITHIN PROJECT LIMITS TO -6' NAVD TO PROVIDE SEAGRASS HABITAT.

**DATA:**

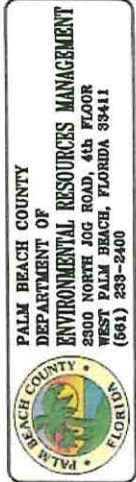
1. STATE PLANE COORDINATES (SPC) HEREIN ARE IN THE FLORIDA EAST ZONE, IN U.S. SURVEY FEET, AND ARE REFERENCED TO NAD 83.
2. LAT-LONG COORDINATES ARE REFERENCED TO WGS 84.
3. ALL ELEVATIONS SHOWN HEREIN ARE IN FEET AND ARE REFERENCED TO NAVD 88.
4. MHW AND MLW ELEVATIONS WERE OBTAINED FROM WWW.LABINS.ORG, TIDE INTERPOLATION POINT #40, SECTION-TOWNSHIP-RANGE 22-43S-43E.
5. EXISTING LAGOON FLOOR ELEVATIONS ARE BASED ON BATHYMETRIC MEASUREMENTS COLLECTED BY PALM BEACH COUNTY (P.B.C.) DEPT. OF ENVIRONMENTAL RESOURCES MGMT. STAFF (E.R.M.) ON 9/25/18 USING A SEAFLOOR HYDROLITE-TM™ SINGLE-BEAM ECHOSOUNDER COUPLED TO A TRIMBLE® GEO 7X GPS UNIT EQUIPPED WITH TERRASYNC™ "CENTIMETER EDITION" RTK SOFTWARE.
6. AERIAL PHOTOGRAPHS WERE OBTAINED FROM THE PALM BEACH COUNTY (P.B.C.) INTERNET SYSTEM SERVICES' COUNTYWIDE G.I.S. PROGRAM THROUGH THE P.B.C. INTRANET. THEY ARE DATED 2020 AND ARE FOR INFORMATIONAL PURPOSES ONLY.

**PROJECT LIMITS AND PROPERTY OWNERSHIP:**

1. THE PROJECT LIMITS ARE WITHIN A PARCEL OF SOVEREIGNTY SUBMERGED LANDS, TITLE TO WHICH IS HELD BY THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA (T.I.I.T.F.).
2. THE PARCEL BOUNDARY IS LEGALLY DESCRIBED IN "SCHEDULE A" OF THE AMERICAN LAND TITLE ASSOCIATION COMMITMENT FOR TITLE INSURANCE ISSUED BY CHICAGO TITLE INSURANCE COMPANY, EFFECTIVE 11/9/19.
3. CONSTRUCTION ACTIVITIES ARE TO BE CONFINED WITHIN THE PROJECT LIMITS.

**TURBIDITY CONTROL PLAN:**

1. TURBIDITY CURTAINS TO BE DEPLOYED DURING PLACEMENT OF ALL TURBIDITY GENERATING ACTIVITIES.
2. TURBIDITY CURTAIN TO BE MOVED CONSISTENTLY WITH WORK AREA.
3. 50 FOOT BUFFER FROM ICW TO BE MAINTAINED AT ALL TIMES.
4. TEMPORARY PIN PILES AS NEEDED TO MAINTAIN CURTAIN FOOTPRINT.
5. TURBIDITY CURTAIN TO BE SET IN SMALLEST FOOTPRINT POSSIBLE TO ENCOMPASS ONGOING WORK AREA WHILE MINIMIZING IMPACT TO LOCAL NAVIGATION TO THE GREATEST EXTENT PRACTICABLE.

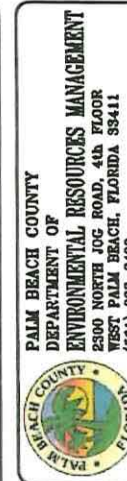
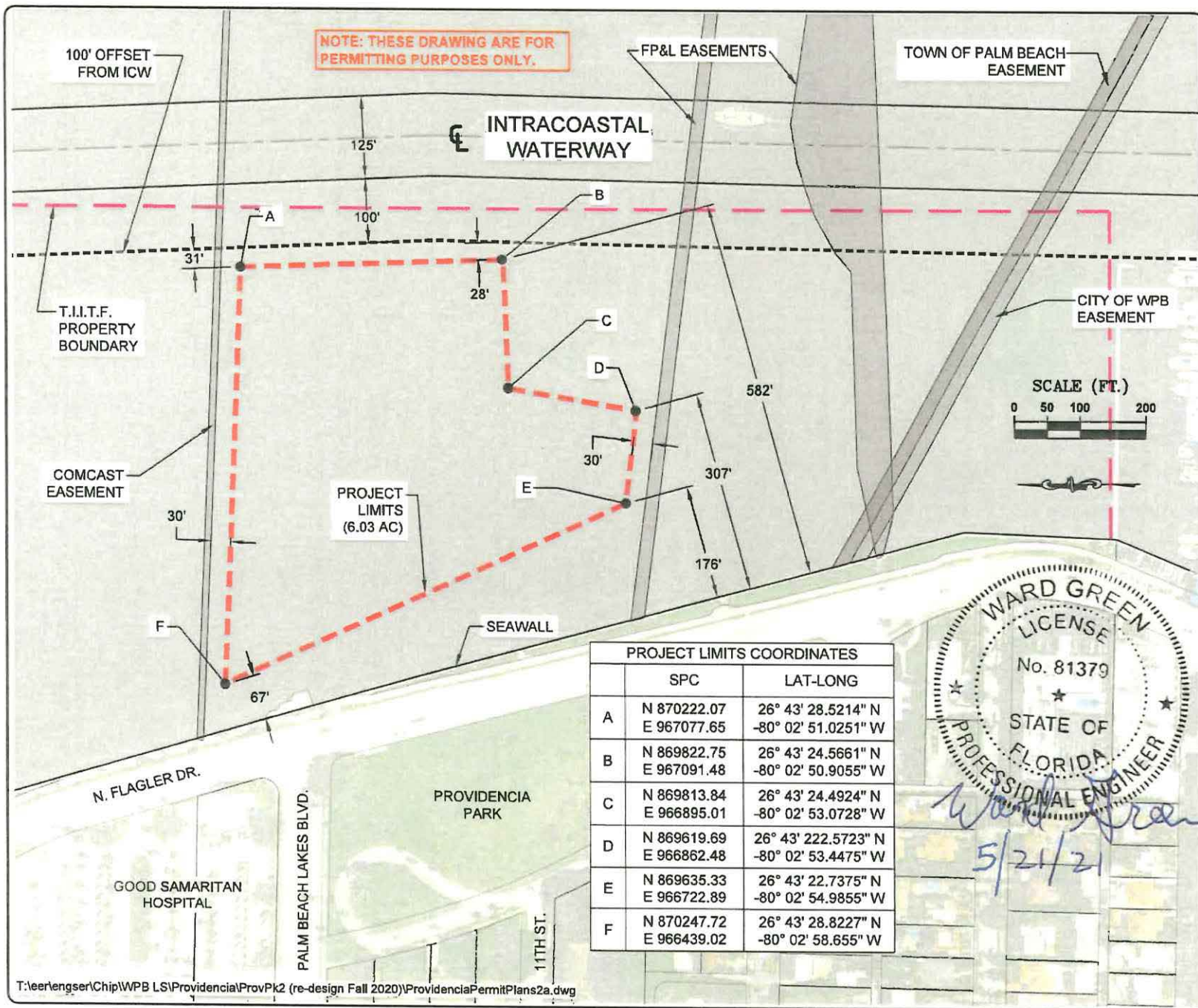


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Drawn By: CG  
Date: 5/21/2021

Project: PROVIDENCIA CAY HABITAT ENHANCEMENT PERMIT PLANS  
GENERAL NOTES

Sheet: 2 OF 10





Scale: AS NOTED  
Drawn By: CG  
Date: 5/21/2021

PROVIDENCIA CAY HABITAT ENHANCEMENT  
PROJECT OVERVIEW  
EASEMENTS & PROJECT LIMITS

Sheet:  
3  
OF  
10





NOTE: THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY.

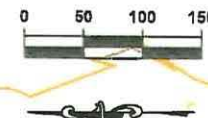
INTRACOASTAL WATERWAY

8:1 SLOPE OF FILL FROM PLATEAU TO EXISTING GRADE

5:1 SLOPE OF FILL FROM ISLAND TO PLATEAU

8:1 SLOPE OF FILL FROM ISLAND TO PLATEAU


SCALE (FT.)



**LEGEND:**

100' OFFSET FROM I.C.W. -----

PROJECT LIMITS (6.03 AC) - - - - -

PROPOSED ISLAND @ EL = -0.5 (0.90 AC) 

PROPOSED PLATEAU @ EL = -6 

EXISTING GRADE ELEVATION (NAVD88) -4

N. FLAGLER DR.

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PALM BEACH COUNTY  
DEPARTMENT OF  
ENVIRONMENTAL RESOURCES MANAGEMENT  
2300 NORTH JOG ROAD, 4TH FLOOR  
WEST PALM BEACH, FLORIDA 33411  
(561) 233-2400



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Date: 5/21/2021

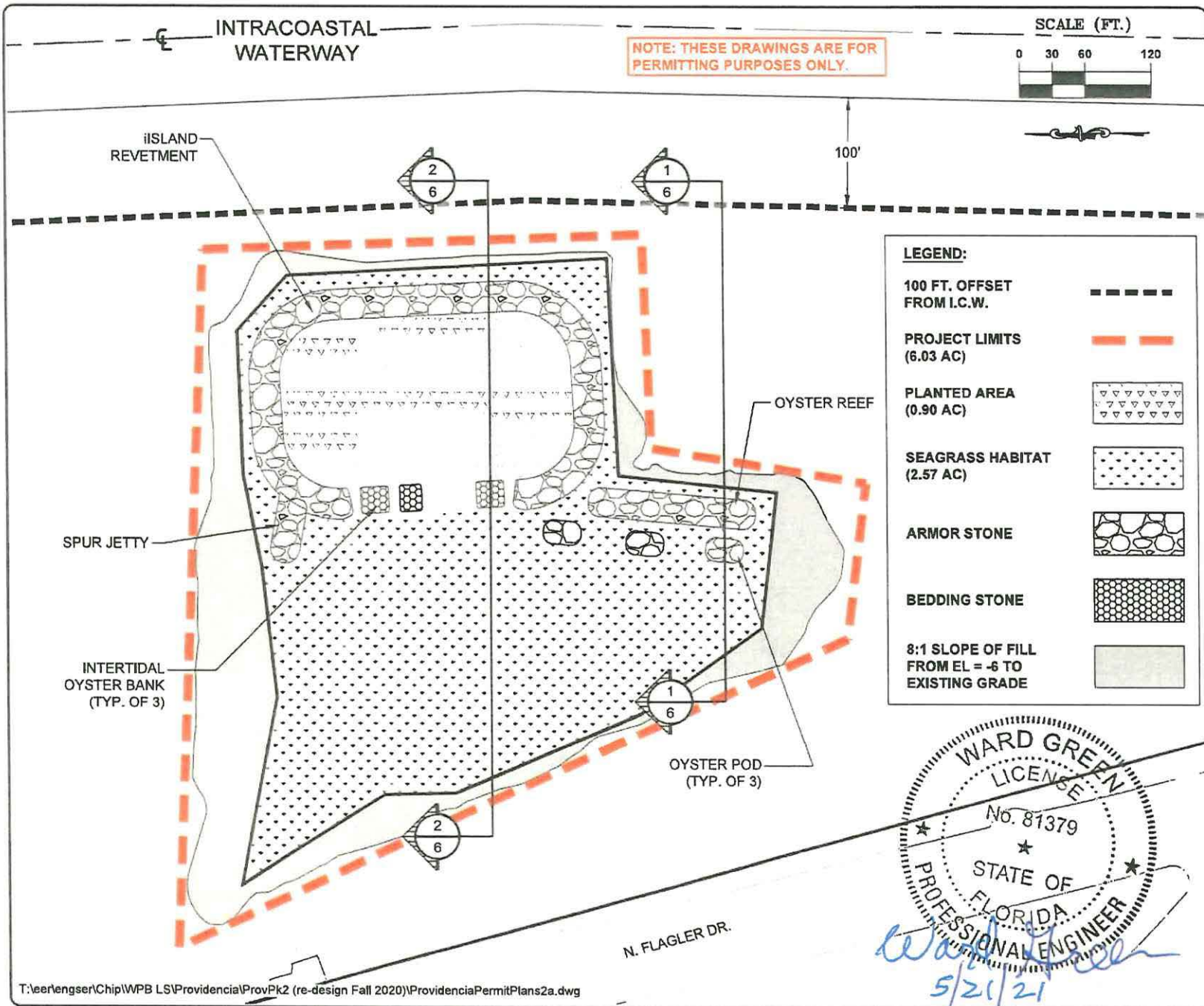
PROVIDENCIA CAY HABITAT ENHANCEMENT  
PERMIT PLANS  
EXISTING BATHYMETRY & PROPOSED FILL AREAS

Project:

Sheet:

4 OF 10



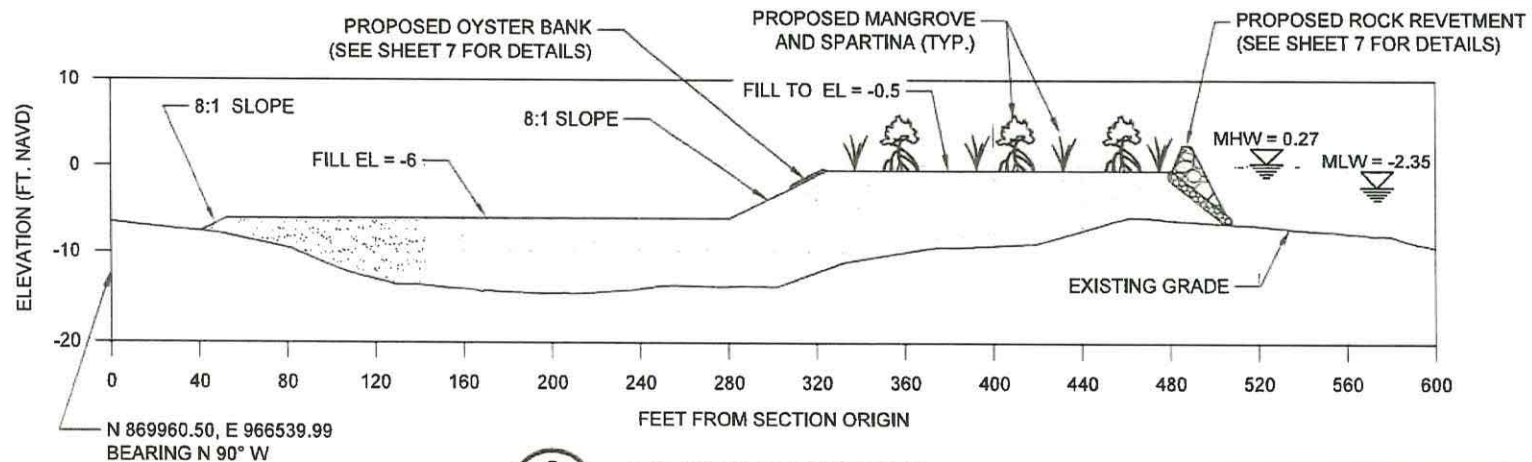


PALM BEACH COUNTY  
DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT  
2300 NORTH JOG ROAD, 4th FLOOR  
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Date: 5/21/2021

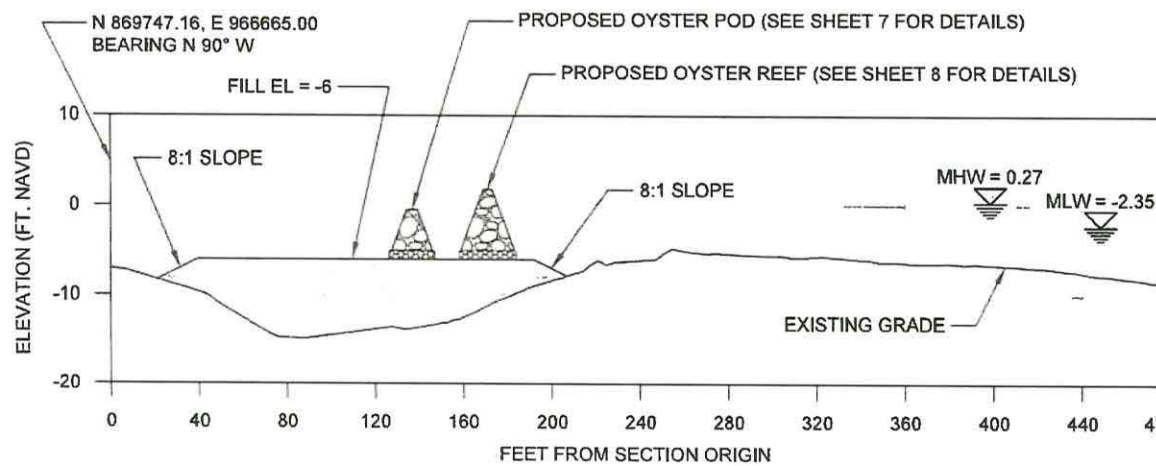
PROVIDENCIA CAY HABITAT ENHANCEMENT  
PERMIT PLANS  
PLAN

Sheet: 5 OF 10



2  
6 ISLAND CROSS-SECTION

NOTE: THESE DRAWINGS  
ARE FOR PERMITTING  
PURPOSES ONLY.



1  
6 OYSTER HABITAT CROSS-SECTION

HORIZONTAL SCALE = 4X VERTICAL SCALE

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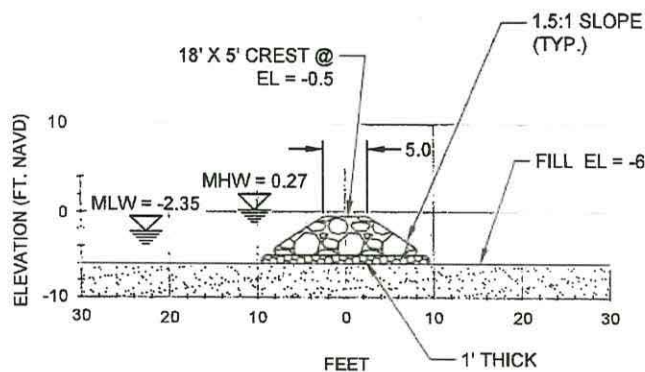


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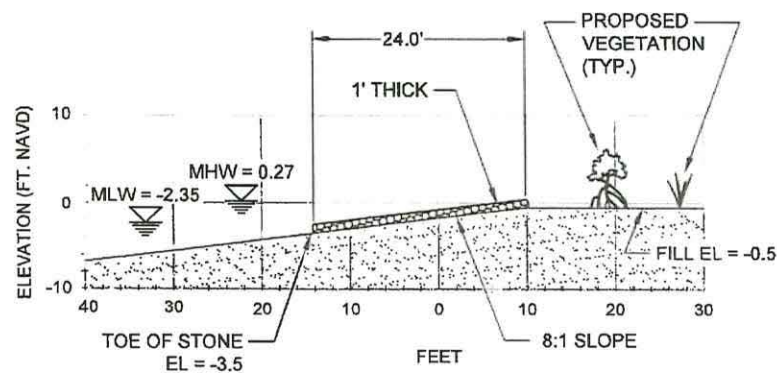
PROVIDENCIA CAY HABITAT ENHANCEMENT  
PERMIT PLANS  
CROSS-SECTIONS

Sheet: 6 OF 10

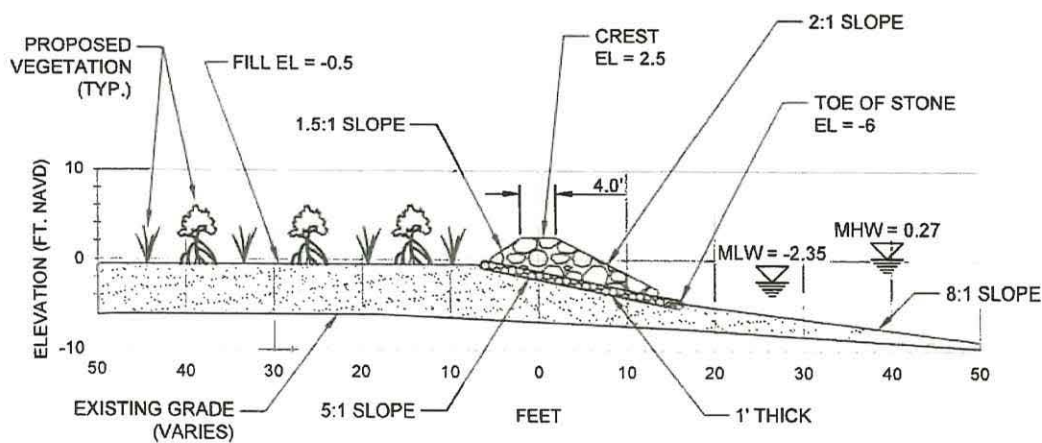




TYPICAL OYSTER POD SECTION



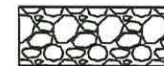
TYPICAL OYSTER BANK SECTION



TYPICAL ISLAND REVETMENT SECTION

**LEGEND:**

ARMOR STONE



BEDDING STONE  
ON FILTER FABRIC



SAND FILL



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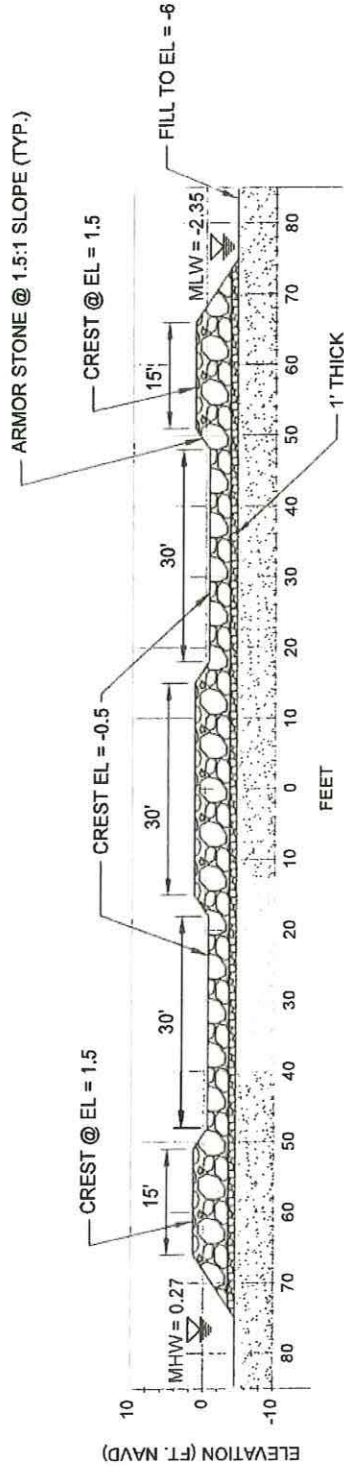
PALM BEACH COUNTY  
 DEPARTMENT OF  
 ENVIRONMENTAL RESOURCES MANAGEMENT  
 2300 NORTH JOG ROAD, 4TH FLOOR  
 WEST PALM BEACH, FLORIDA 33411  
 (561) 233-2400



Scale: AS NOTED  
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 Date: 5/21/2021

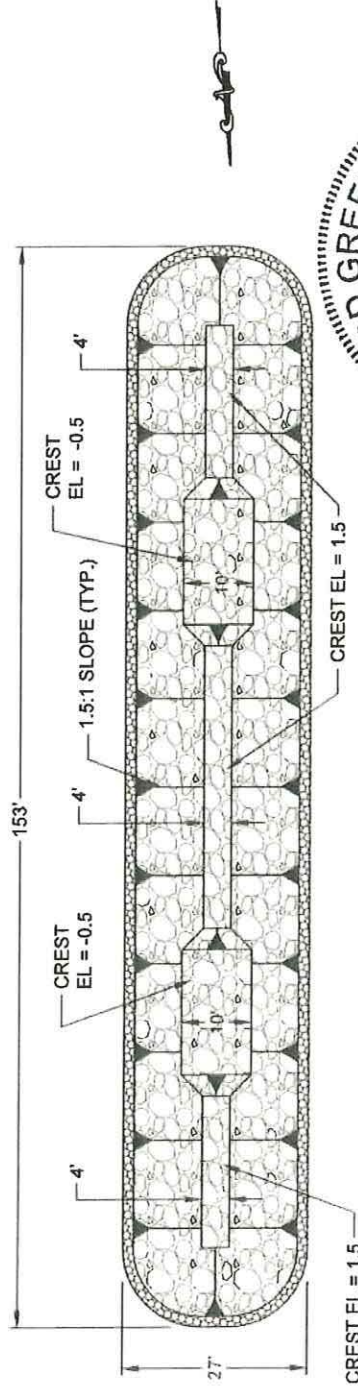
PROVIDENCIA CAY HABITAT ENHANCEMENT  
 PERMIT PLANS  
 OYSTER REEF DETAILS

Sheet: 8 of 10



OYSTER REEF SECTION

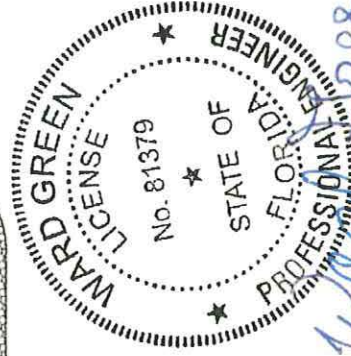
NOTE: THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY.



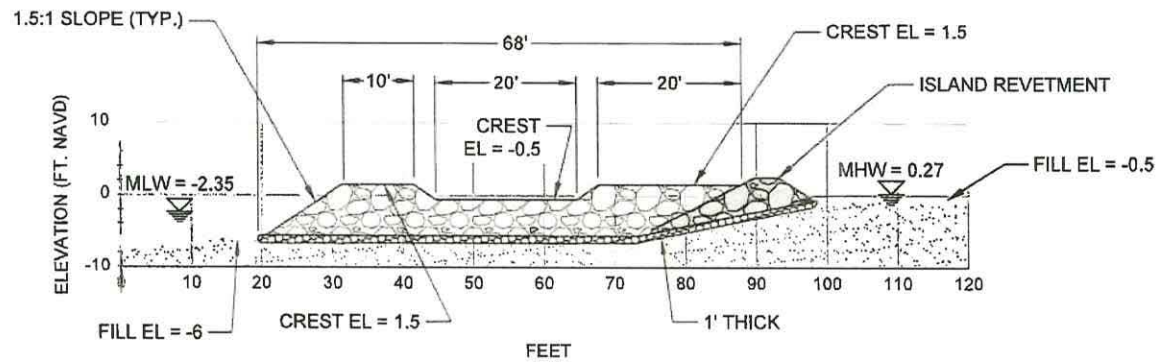
OYSTER REEF PLAN VIEW

**LEGEND:**

	ARMOR STONE
	BEDDING STONE ON FILTER FABRIC
	SAND FILL







**SPUR JETTY SECTION**

**LEGEND:**

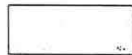
**ARMOR STONE**



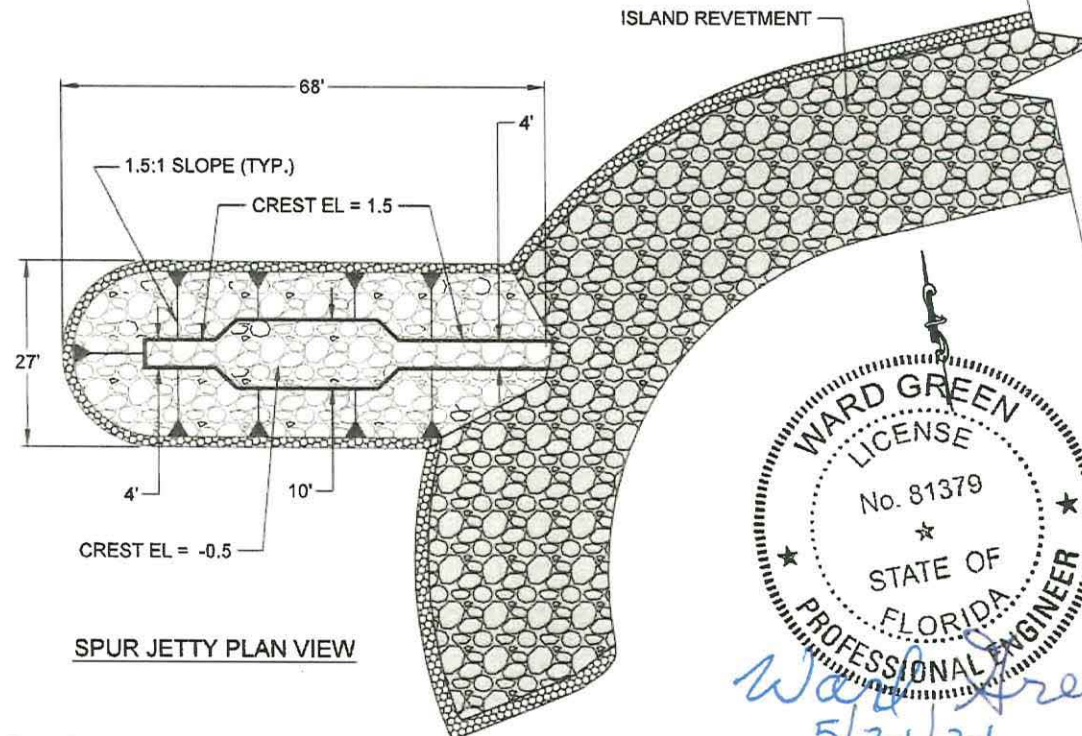
**BEDDING STONE  
ON FILTER FABRIC**



**SAND FILL**



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DRAWINGS ARE FOR  
PERMITTING PURPOSES  
ONLY.



**SPUR JETTY PLAN VIEW**



Scale: AS NOTED  
Drawn By: CG  
Date: 5/21/2021

PROVIDENCIA CAY HABITAT ENHANCEMENT  
PERMIT PLANS

SPUR JETTY DETAILS

Sheet: 9 OF 10

## AREAS

ECOLOGICAL ENHANCEMENT	AREA (AC)
PLANTED AREA*	0.90
SEAGRASS HABITAT*	2.57
OYSTER HABITAT**	0.19
<b>TOTAL</b>	<b>3.66</b>

\* SEE SHEET 5.

\*\* COMPRISED OF THE INTERTIDAL ZONE OF ALL ROCK STRUCTURES, EXCLUDING THE INTERIOR SLOPE OF THE REVETMENT. SEE THE FIGURE BELOW.

### LEGEND:

ARMOR STONE



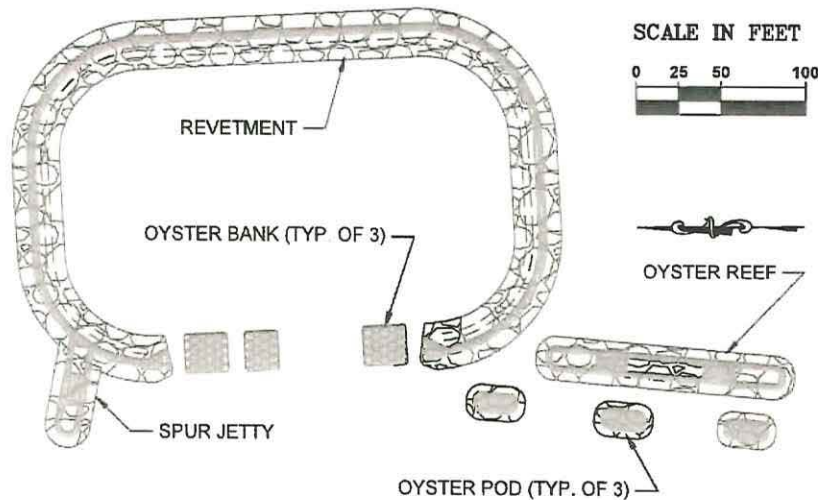
OYSTER HABITAT



BEDDING STONE



REVETMENT CREST =====



**OYSTER HABITAT PLAN VIEW**

## VOLUMES

FILL COMPONENT	SAND (CY)
PLATEAU @ EL = -6 AND 8:1 SLOPE TO EXISTING GRADE	41,400
ISLAND @ EL = -0.5 ON PLATEAU AND 5:1 SLOPE TO PLATEAU	10,600
<b>TOTAL</b>	<b>52,000</b>

ROCK COMPONENT	BEDDING STONE (CY)	ARMOR STONE (CY)	TOTAL (CY)
ISLAND REVETMENT	680	820	1,500
SPUR JETTY	50	190	240
OYSTER BANKS	60	0	60
OYSTER REEF	150	430	580
OYSTER PODS	80	140	220
<b>TOTAL</b>	<b>1,020</b>	<b>1,580</b>	<b>2,600</b>



*Ward Green*  
5/21/21

NOTE: THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY.

PALM BEACH COUNTY  
DEPARTMENT OF  
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2300 NORTH JOG ROAD, 4th FLOOR  
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(561) 233-2400



Scale: AS NOTED  
Drawn By: CG  
Date: 5/21/2021

PROVIDENCIA CAY HABITAT ENHANCEMENT  
PERMIT PLANS  
QUANTITIES

Sheet: 10 OF 10

**ATTACHMENT E-5**  
**RESOLUTION FOR ASSISTANCE 2025**  
**UNDER THE FLORIDA INLAND NAVIGATION DISTRICT**  
**WATERWAYS ASSISTANCE PROGRAM**

WHEREAS, PALM BEACH COUNTY is interested in carrying out the following described project for the enjoyment of the citizenry of Palm Beach County and the State of Florida:

Project Title: Providencia Cay Habitat Restoration Project

Total Estimated Cost: \$ 1,000,000.00

Brief Description of Project: Providencia Cay Habitat Restoration will enhance approximately 5.5 acres of Lake Worth Lagoon by creating mangrove, oyster reef and seagrass habitat. In partnership with the marine community, the project will accomplish restoration through beneficial re-use of 52,000 cubic yards of dredged material that will cap fine grain muck sediments and placement of limestone rocks to create suitable seagrass habitat and one mangrove island. The project will also serve as a natural buffer between the Atlantic Intracoastal Waterway and the existing hardened shoreline, providing for both refuge and safer passage by listed species, such as manatees and sea turtles, and vessels recreating outside of the navigational channel. The finished island will provide an eco-tourism destination to observe and interact with fish and wildlife in a variety of ways such as fishing, paddle sports, birding, an outdoor classroom and wildlife viewing. The project is part of an ongoing effort to create a Paddling Blueway Trail between the City of West Palm Beach's Currie Park Boat Ramp and downtown's South Cove Natural Area.

AND, Florida Inland Navigation District financial assistance is required for the program mentioned above,

NOW THEREFORE, be it resolved by PALM BEACH COUNTY that the project described above be authorized,

AND, be it further resolved that said PALM BEACH COUNTY make application to the Florida Inland Navigation District in the amount of 50% of the actual cost of the project on behalf of said PALM BEACH COUNTY,



AND, be it further resolved by PALM BEACH COUNTY that it certifies to the following:

1. That it will accept the terms and conditions set forth in FIND Rule 66B-2 F.A.C. and which will be a part of the Project Agreement for any assistance awarded under the attached proposal.

2. That it is in complete accord with the attached proposal and that it will carry out the Program in the manner described in the proposal and any plans and specifications attached thereto unless prior approval for any change has been received from the District.

3. That it has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said PALM BEACH COUNTY for public use.

4. That it will not discriminate against any person on the basis of race, color or national origin in the use of any property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of the Title VI of the Civil Rights Act of 1964, P. L. 88-352 (1964) and design and construct all facilities to comply fully with statutes relating to accessibility by persons with disabilities as well as other federal, state and local laws, rules and requirements.

5. That it will maintain adequate financial records on the proposed Project to substantiate claims for reimbursement.

6. That it will make available to FIND if requested, a post-audit of expenses incurred on the project prior to, or in conjunction with, request for the final 10% of the funding agreed to by FIND.



The foregoing Resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, was as follows:

Commissioner Maria G. Marino, Mayor	_____
Commissioner Sara Baxter, Vice Mayor	_____
Commissioner Gregg K. Weiss	_____
Commissioner Joel G. Flores	_____
Commissioner Marci Woodward	_____
Commissioner Maria Sachs	_____
Commissioner Bobby Powell Jr.	_____

The Mayor thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2025

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA, BY  
ITS BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Scott A. Stone  
Assistant County Attorney

ATTEST:  
JOSEPH ABRUZZO  
Clerk of the Circuit Court & Comptroller

By: \_\_\_\_\_  
Deputy Clerk

(SEAL)



# FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office  
3301 Gun Club Road, MSC 7210-1  
West Palm Beach, FL 33406  
561-681-6600

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Interim Secretary

**Project Name:** Providencia Park

**Permittee/Authorized Entity:**

PBC-Environmental Resources Management  
c/o Deborah Drum, Department Director  
2300 N. Jog., 4<sup>th</sup> Floor  
West Palm Beach, FL 33411  
Email: [ddrum@pbcgov.org](mailto:ddrum@pbcgov.org) , [jbaez1@pbcgov.org](mailto:jbaez1@pbcgov.org)

**Authorized Agent:**

Palm Beach County - ERM  
c/o Beth Orlando  
Email: [borlando@pbcgov.org](mailto:borlando@pbcgov.org)

**Environmental Resource Permit - Granted**

**State-owned Submerged Lands Authorization – Granted**

**U.S. Army Corps of Engineers / Section 404 Authorization – Separate Authorization  
Required**

**Permit No.:** 50-0404380-001-EI

**Permit Issuance Date:** July 22, 2021

**Permit Construction Phase Expiration Date:** July 22, 2026

## **Consolidated Environmental Resource Permit and State-owned Submerged Lands Authorization**

**Permit No.: 50-0404380-001-EI**

### **PROJECT LOCATION**

The activities authorized by this Permit and state-owned submerged lands authorization are located within Lake Worth Lagoon, Class III Waters, adjacent to the intersection of Palm Beach Lakes Blvd., and N Flagler Dr., West Palm Beach (Section 15, Township 43 South, Range 43 East), in Palm Beach County (Latitude N 26° 43' 25.91", Longitude W -80° 2' 56.66").

### **PROJECT DESCRIPTION**

This permit authorizes the enhancement and restoration of approximately 6.03-acres of habitat within the Lake Worth Lagoon. The enhancement and restoration activities consist of: 1) filling of a 6.03-acre dredge hole to a depth of minus six (-6) feet NAVD to match existing grade (52,000 cubic yards of fill); 2) creation of 2.57-acre of seagrass habitat by increasing the elevation within flat bottom areas to a depth of minus six (-6) feet NAVD (41,400 cubic yards of fill); 3) creation of intertidal emergent islands for oyster and mangrove habitat, upon which red mangrove (*Rhizophora mangle*) seedlings will be planted (1.09-acres, 10,600 cubic yards of fill); and 4) installation of riprap boulders to encircle and protect the created emergent islands (1.6-acres, 2,600 cubic yards of riprap boulders).

This permit authorizes 6.03 acres of impacts to wetland or other surface waters. Submerged resources are not located within the project boundaries; therefore, there will be no adverse impacts to these resources. Mitigation is not required.

The attached standard manatee conditions (version 2011) shall be adhered to during all in-water work. Prior to construction commencement, weighted floating turbidity curtains, extending to within one-foot from the submerged bottom shall be utilized around the project area to ensure that any turbidity resulting from construction activities will be contained within the project boundaries. All water bodies, including any adjacent submerged aquatic vegetation outside the specific limits of construction authorized by this permit shall be protected from erosion, siltation, sedimentation, and/or scouring.

### **AUTHORIZATIONS**

#### Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

#### Sovereignty Submerged Lands Authorization

The activity is located on sovereignty submerged lands owned by the State of Florida. It therefore also requires authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.77, F.S.

As staff to the Board of Trustees under Sections 253.002, F.S., the Department has determined that the activity qualifies for and requires a Letter of Consent, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), Florida Administrative Code. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

#### Federal Authorization

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **shall be required** from the Corps. You must apply separately to the Corps using their APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source Book at: <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book>.

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection (or Duly Authorized Designee), State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

#### Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

#### Water Quality Certification

This permit also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

#### Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

#### **PERMIT & SOVEREIGNTY SUBMERGED LANDS CONDITONS**

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The Special Consent Conditions**
- **The General Conditions for Sovereignty Submerged Lands Authorization**

Project Name: Providencia Park

Permit No.: 50-0404380-001-EI

Page 3 of 14



- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

#### **SPECIFIC CONDITIONS- PROJECT FORMS & ATTACHMENTS**

- (1) The attached project drawings (sheets 1 through 10); Providencia Park Turbidity Monitoring Plan (1 page); the Standard Manatee Conditions for In-Water Work, 2011; and DEP forms 62-330.310(1); 62-330.310(2); 62-330.340(1); and 62-330.350(1), which may be downloaded at <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm> become part of this permit. If the permittee does not have access to the Internet, please contact the Department at (561) 681-6600 to request the aforementioned forms and/or document(s).
- (2) If the attached permit drawings conflict with the specific conditions, then the specific conditions shall prevail.

#### **SPECIFIC CONDITIONS - PRIOR TO CONSTRUCTION**

- (3) After selection of the contractor to perform the authorized activities and prior to the initiation of any work authorized by this permit, the permittee (or authorized agent) and the contractor shall attend a pre-construction conference with a representative of the Department. It shall be the responsibility of the permittee to contact the Department's Compliance Assistance Program, by email [SED\\_Compliance@FloridaDEP.gov](mailto:SED_Compliance@FloridaDEP.gov), or by phone (561) 681-6600, to schedule the pre-construction conference.
- (4) The permittee shall ensure that the permit conditions are explained to all construction personnel working on the project and for providing each contractor and subcontractor with a copy of this permit before the authorized work begins.
- (5) Prior to the initiation of any work authorized by this permit, floating turbidity curtains with weighted skirts that extend to within one foot of the bottom shall be placed around the project site, and shall be maintained and remain in place for the duration of the project construction to ensure that turbid discharges do not occur outside the boundaries of the floating turbidity screens. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent turbid discharges.

### **SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES**

- (6) All storage or stockpiling of tools or material (i.e. lumber, pilings, debris, etc.) shall be limited to uplands or within the impact areas authorized by this permit.
- (7) All watercraft associated with the construction of the permitted structure shall operate within waters of sufficient depth to preclude bottom scouring, prop dredging or damage to submerged bottom or submerged resources. During all construction activities, there shall be a minimum of 1-foot clearance between the draft of the construction vessel/barge and the submerged bottom.
- (8) The surrounding waterbody and marine resources located outside of the specific limits of construction, authorized by this permit, shall be protected from siltation, sedimentation, and/or scouring. Best management practices for turbidity and erosion control shall be implemented and maintained at all times during to prevent siltation and turbid discharges into the surface waters surrounding the project site.
- (9) "Riprap" shall consist of unconsolidated boulders, rocks, or clean concrete rubble with no exposed reinforcing rods or similar protrusions. The riprap shall be free of sediment, debris and toxins or otherwise deleterious substances. Riprap shall have a diameter of at least 12 inches to 3 feet.
- (10) All watercraft associated with the construction of the permitted structure shall operate within waters of sufficient depth to preclude bottom scouring, prop dredging or damage to submerged bottom or submerged resources. During all construction activities, there shall be a minimum of 1-foot clearance between the draft of the construction vessel/barge and the submerged bottom.
- (11) All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a one-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- (12) Fill material shall be sand that is compatible with lagoon sediments (<10% silt/clay) and shall be from a mined upland source or beneficial reuse of compatible lagoon sediments from a permitted dredge project.
- (13) No dredging or filling of submerged grassbeds or live bottom communities is authorized by this permit.

### **SPECIFIC CONDITIONS – MONITORING/REPORTING REQUIREMENTS**

- (14) Turbidity levels outside the construction area shall not exceed 29 NTU's above background levels. The following measures shall be taken immediately by the permittee whenever turbidity levels within waters of the State surrounding the project site exceed 29 NTUs above background:
- a. Notify the Department at (561) 681-6600 at the time the violation is first detected.
  - b. Immediately cease all work contributing to the water quality violation.

- c. Stabilize all exposed soils contributing to the violation. Modify the work procedures that were responsible for the violation, install more turbidity containment devices, and repair any non-functional turbidity containment devices.
- d. As required, perform turbidity monitoring per Specific Conditions.
- e. Resume construction activities once turbidity levels outside turbidity curtains fall below 29 NTUs.

(15) Turbidity Monitoring: Water turbidity levels shall be monitored if a turbidity plume is observed outside the limits of the required turbidity control devices. Samples shall be taken every four hours until turbidity subsides at one foot above the bottom, mid-depth, and one-foot below the surface at monitoring stations located as follows:

- a. Approximately 100 feet up-current of the work sites and clearly outside the influence of construction activities. (This shall serve as the natural background sample against which other turbidity readings shall be compared.)
- b. Directly outside the turbidity curtains surrounding the work sites and within the densest portion of any visible turbidity plume. (This sample shall serve as the compliance sample.)

(16) Turbidity Monitoring Reports: During dredging activities, the permittee or permittee's contractor shall collect the following turbidity monitoring data at the frequency and water depths directed by the Specific Condition above:

- a. Date and time of sampling event
- b. Turbidity sampling results (background NTUs, compliance NTUs, and the difference between them)
- c. Description of data collection methods
- d. An aerial map indicating the sampling locations
- e. Depth of sample(s)
- f. Weather conditions at times of sampling
- g. Tidal stage and direction of flow

Data shall be collected in a turbidity log and shall include a statement by the individual responsible for implementation of the sampling program attesting to the authenticity, precision, limits of detection, and accuracy of the data. The turbidity log shall be scanned and sent on a weekly basis to the Department's ERP Compliance Assurance Program via email at [SED\\_Compliance@FloridaDEP.gov](mailto:SED_Compliance@FloridaDEP.gov). The subject line of the email shall include the project name, permit number, and the title "Turbidity Monitoring Reports."

#### **SPECIFIC CONDITIONS - OPERATIONS**

(17) Vessels utilizing this structure shall maintain a minimum of one-foot clearance between the deepest draft of the vessel with the engine in the down position and the submerged bottom so as to preclude bottom scouring or prop dredging.

#### **SPECIFIC CONDITIONS – MANATEE CONDITIONS**



(18) The permittee shall comply with the standard manatee protection construction conditions listed in the attached "2011 Standard Manatee Conditions for In-Water Work".

#### **SPECIFIC CONDITIONS – LISTED SPECIES**

(19) This permit does not authorize the permittee to cause any adverse impact to or "take" of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of "take" and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a "take" permit cannot be issued. Requests for further information or review can be sent to [FWCConservationPlanningServices@MyFWC.com](mailto:FWCConservationPlanningServices@MyFWC.com).

#### **GENERAL CONDITIONS FOR INDIVIDUAL PERMITS**

The following general conditions are binding on all individual permits issued under chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

(1) All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.

(2) A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

(3) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

(4) At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.

(5) Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.

(6) Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:

- a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – “Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit” [Form 62-330.310(3)]; or
- b. For all other activities – “As-Built Certification and Request for Conversion to Operational Phase” [Form 62-330.310(1)].
- c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

(7) If the final operation and maintenance entity is a third party:

- a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
- b. Within 30 days of submittal of the as- built certification, the permittee shall submit “Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity” [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

(8) The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

(9) This permit does not:

- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
- b. Convey to the permittee or create in the permittee any interest in real property;
- c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
- d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

(10) Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

(11) The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.

(12) The permittee shall notify the Agency in writing:

- a. Immediately if any previously submitted information is discovered to be inaccurate; and
- b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

(13) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

(14) If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

(15) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

(16) The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

(17) This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

(18) A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.



### **SPECIAL CONSENT CONDITIONS**

1) The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.

2) Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.

3) Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.

4) All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.

5) This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

### **GENERAL CONDITIONS FOR SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION**

Any use of sovereignty submerged lands is subject to the following general conditions are binding upon the applicant and are enforceable under Chapter 253, F.S.

(1) Sovereignty submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty submerged lands unless cured to the satisfaction of the Board of Trustees.

(2) Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.

(3) Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. and Chapter 18-14, F.A.C.

(4) Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.

(5) Construction, use, or operation of the structure or activity will not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.

(6) Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court's decision.

(7) Structures or activities will not create a navigational hazard.

(8) Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.

(9) Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.

(10) The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.

(11) Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.

(12) Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.

(13) All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified

mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.

(14) This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

### **NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

#### **Petition for Administrative Hearing**

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us). Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

#### **Time Period for Filing a Petition**

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14



days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver may not apply to persons who have not received a clear point of entry.

#### Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us), before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

#### Mediation

Mediation is not available in this proceeding.

#### FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

#### Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



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Norva Blandin, MSEM  
Program Administrator  
Permitting and Waste Cleanup Programs  
Southeast District

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this permit and all copies were sent on the filing date below to the following listed persons:

FDEP – Norva Blandin MSEM, Danielle Sattelberger, Kaitlyn Mallett, Luciano Guidoni, Matt Mitchell, Palm Beach County, Environmental Resources, [mmitchell@pbcgov.org](mailto:mmitchell@pbcgov.org)

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.



July 22, 2021

**Clerk**

**Date**

**Attachments:**

Project Drawings and Design Specs., 10 pages

Providencia Park Turbidity Monitoring Plan, 1 page

Standard Manatee Conditions for In-Water Work, 2011

As-built Certification and Request for Conversion to Operational Phase Form 62-330.310(1)\*

Request for Transfer to the Perpetual Operation Entity Form 62-330.310(2)\*

Request to Transfer Permit Form 62-330.340(1)\*

Commencement Notice Form 62-330.350(1)\*

\*Can be downloaded at: <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/forms-environmental-resource>

NOTE: THESE DRAWINGS ARE FOR  
PERMITTING PURPOSES ONLY.

# COUNTY OF PALM BEACH STATE OF FLORIDA

## PROVIDENCIA CAY HABITAT ENHANCEMENT

BOARD OF COUNTY COMMISSIONERS

DAVE KERNER, MAYOR  
DISTRICT 3

MARIA G. MARINO  
DISTRICT 1

MARIA SACHS  
DISTRICT 5

GREGG K. WEISS  
DISTRICT 2

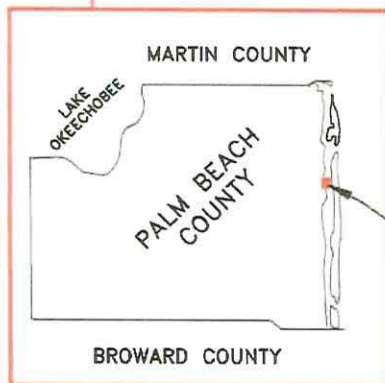
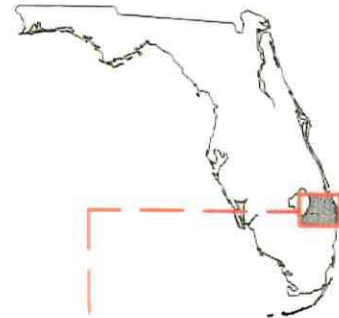
MELISSA McKINLAY  
DISTRICT 6

ROBERT S. WEINROTH  
DISTRICT 4

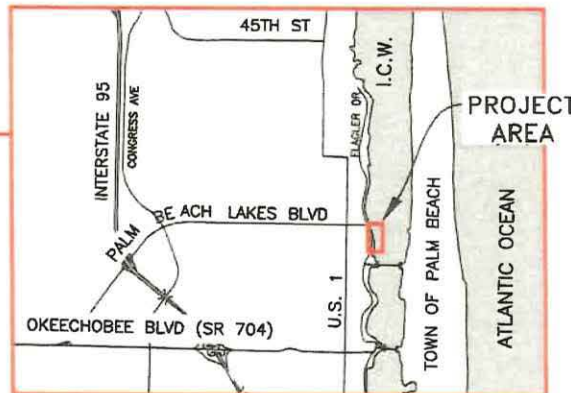
MACK BERNARD  
DISTRICT 7



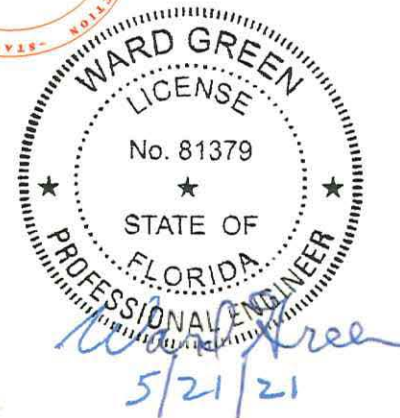
SHEET NO.	DESCRIPTION
1	COVER SHEET
2	GENERAL NOTES
3	EASEMENTS & PROJECT LIMITS
4	BATHYMETRY & PROPOSED FILL AREAS
5	PLAN
6	CROSS-SECTIONS
7	TYPICAL CROSS-SECTIONS
8	OYSTER REEF DETAILS
9	SPUR JETTY DETAILS
10	QUANTITIES



N.T.S.



N.T.S.



PALM BEACH COUNTY  
DEPARTMENT OF  
ENVIRONMENTAL RESOURCES MANAGEMENT  
2500 NORTH JOG ROAD, 4TH FLOOR  
WEST PALM BEACH, FLORIDA 33411  
(561) 233-2400

Scale: AS NOTED  
Drawn By: CG  
Date: 5/21/2021

PROVIDENCIA CAY HABITAT ENHANCEMENT  
PERMIT PLANS

COVER SHEET

Project:

Sheet: 1 OF 10



NOTE: THESE DRAWINGS ARE FOR  
PERMITTING PURPOSES ONLY.

**GENERAL SCOPE OF PROJECT:**

1. FILL AN AREA WITH SAND TO -6' NAVD, TO BUILD A PLATEAU ON WHICH AN ISLAND CAN BE BUILT, OYSTER HABITAT CAN BE CONSTRUCTED, AND TO PROVIDE SEAGRASS HABITAT.
2. FILL AN AREA ON THE PLATEAU TO -0.5' NAVD TO CREATE THE ISLAND.
3. INSTALL A ROCK REVETMENT ON THE ISLAND PERIMETER FOR SOIL STABILIZATION AND OYSTER HABITAT.
4. EXTEND A SPUR JETTY FROM THE REVETMENT FOR ADDED EROSION PROTECTION AND OYSTER HABITAT.
5. PLACE BEDDING STONE IN THREE PILES, EACH 1' THICK, ON THE WESTERN EDGE OF THE ISLAND AS OYSTER BANKS.
6. ADD AN EMERGENT OYSTER REEF AND THREE OYSTER PODS OF ROCK ON THE PLATEAU.
7. PLANT MANGROVES AND SPARTINA ON THE ISLAND.
8. FILL THE REMAINDER OF THE EXISTING DREDGE HOLE WITHIN PROJECT LIMITS TO -6' NAVD TO PROVIDE SEAGRASS HABITAT.

**DATA:**

1. STATE PLANE COORDINATES (SPC) HEREIN ARE IN THE FLORIDA EAST ZONE, IN U.S. SURVEY FEET, AND ARE REFERENCED TO NAD 83.
2. LAT-LONG COORDINATES ARE REFERENCED TO WGS 84.
3. ALL ELEVATIONS SHOWN HEREIN ARE IN FEET AND ARE REFERENCED TO NAVD 88.
4. MHW AND MLW ELEVATIONS WERE OBTAINED FROM WWW.LABINS.ORG, TIDE INTERPOLATION POINT #40, SECTION-TOWNSHIP-RANGE 22-43S-43E.
5. EXISTING LAGOON FLOOR ELEVATIONS ARE BASED ON BATHYMETRIC MEASUREMENTS COLLECTED BY PALM BEACH COUNTY (P.B.C.) DEPT. OF ENVIRONMENTAL RESOURCES MGMT. STAFF (E.R.M.) ON 9/25/18 USING A SEAFLOOR HYDROLITE-TM™ SINGLE-BEAM ECHOSOUNDER COUPLED TO A TRIMBLE® GEO 7X GPS UNIT EQUIPPED WITH TERRASYNC™ "CENTIMETER EDITION" RTK SOFTWARE.
6. AERIAL PHOTOGRAPHS WERE OBTAINED FROM THE PALM BEACH COUNTY (P.B.C.) INTERNET SYSTEM SERVICES' COUNTYWIDE G.I.S. PROGRAM THROUGH THE P.B.C. INTRANET. THEY ARE DATED 2020 AND ARE FOR INFORMATIONAL PURPOSES ONLY.

**PROJECT LIMITS AND PROPERTY OWNERSHIP:**

1. THE PROJECT LIMITS ARE WITHIN A PARCEL OF SOVEREIGNTY SUBMERGED LANDS, TITLE TO WHICH IS HELD BY THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA (T.I.I.T.F.).
2. THE PARCEL BOUNDARY IS LEGALLY DESCRIBED IN "SCHEDULE A" OF THE AMERICAN LAND TITLE ASSOCIATION COMMITMENT FOR TITLE INSURANCE ISSUED BY CHICAGO TITLE INSURANCE COMPANY, EFFECTIVE 11/9/19.
3. CONSTRUCTION ACTIVITIES ARE TO BE CONFINED WITHIN THE PROJECT LIMITS.

**TURBIDITY CONTROL PLAN:**

1. TURBIDITY CURTAINS TO BE DEPLOYED DURING PLACEMENT OF ALL TURBIDITY GENERATING ACTIVITIES.
2. TURBIDITY CURTAIN TO BE MOVED CONSISTENTLY WITH WORK AREA.
3. 50 FOOT BUFFER FROM ICW TO BE MAINTAINED AT ALL TIMES.
4. TEMPORARY PIN PILES AS NEEDED TO MAINTAIN CURTAIN FOOTPRINT.
5. TURBIDITY CURTAIN TO BE SET IN SMALLEST FOOTPRINT POSSIBLE TO ENCOMPASS ONGOING WORK AREA WHILE MINIMIZING IMPACT TO LOCAL NAVIGATION TO THE GREATEST EXTENT PRACTICABLE.

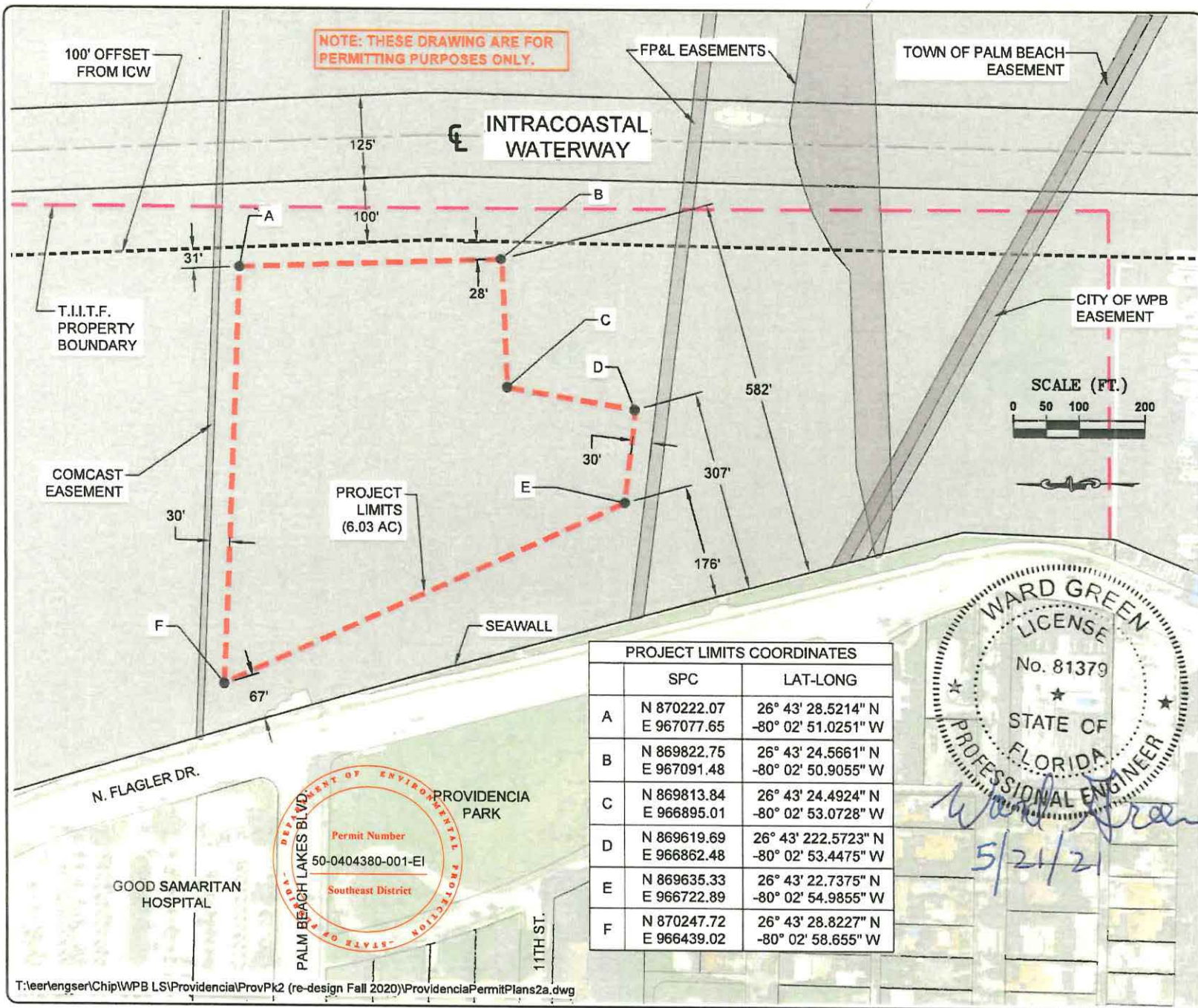


Scale: AS NOTED  
Drawn By: CG  
Date: 5/21/2021

Project: PROVIDENCIA CAY HABITAT ENHANCEMENT  
PERMIT PLANS  
GENERAL NOTES

Sheet  
2  
OF  
10









NOTE: THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY.

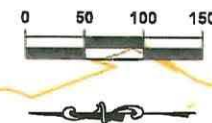
INTRACOASTAL WATERWAY

8:1 SLOPE OF FILL FROM PLATEAU TO EXISTING GRADE

5:1 SLOPE OF FILL FROM ISLAND TO PLATEAU

8:1 SLOPE OF FILL FROM ISLAND TO PLATEAU

SCALE (FT.)




N. FLAGLER DR.

**LEGEND:**

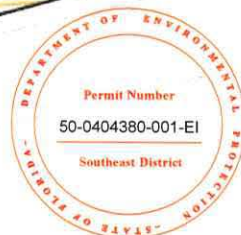
100' OFFSET FROM I.C.W. 

PROJECT LIMITS (6.03 AC) 

PROPOSED ISLAND @ EL = -0.5 (0.90 AC) 

PROPOSED PLATEAU @ EL = -6 

EXISTING GRADE ELEVATION (NAVD88) 



PALM BEACH COUNTY  
DEPARTMENT OF  
ENVIRONMENTAL RESOURCES MANAGEMENT  
2300 NORTH JOG ROAD, 4th FLOOR  
WEST PALM BEACH, FLORIDA 33411  
(561) 233-2400



Scale: AS NOTED  
Drawn By: CG  
Date: 5/21/2021

PROVIDENCIA CAY HABITAT ENHANCEMENT  
PERMIT PLANS

EXISTING BATHYMETRY & PROPOSED FILL AREAS

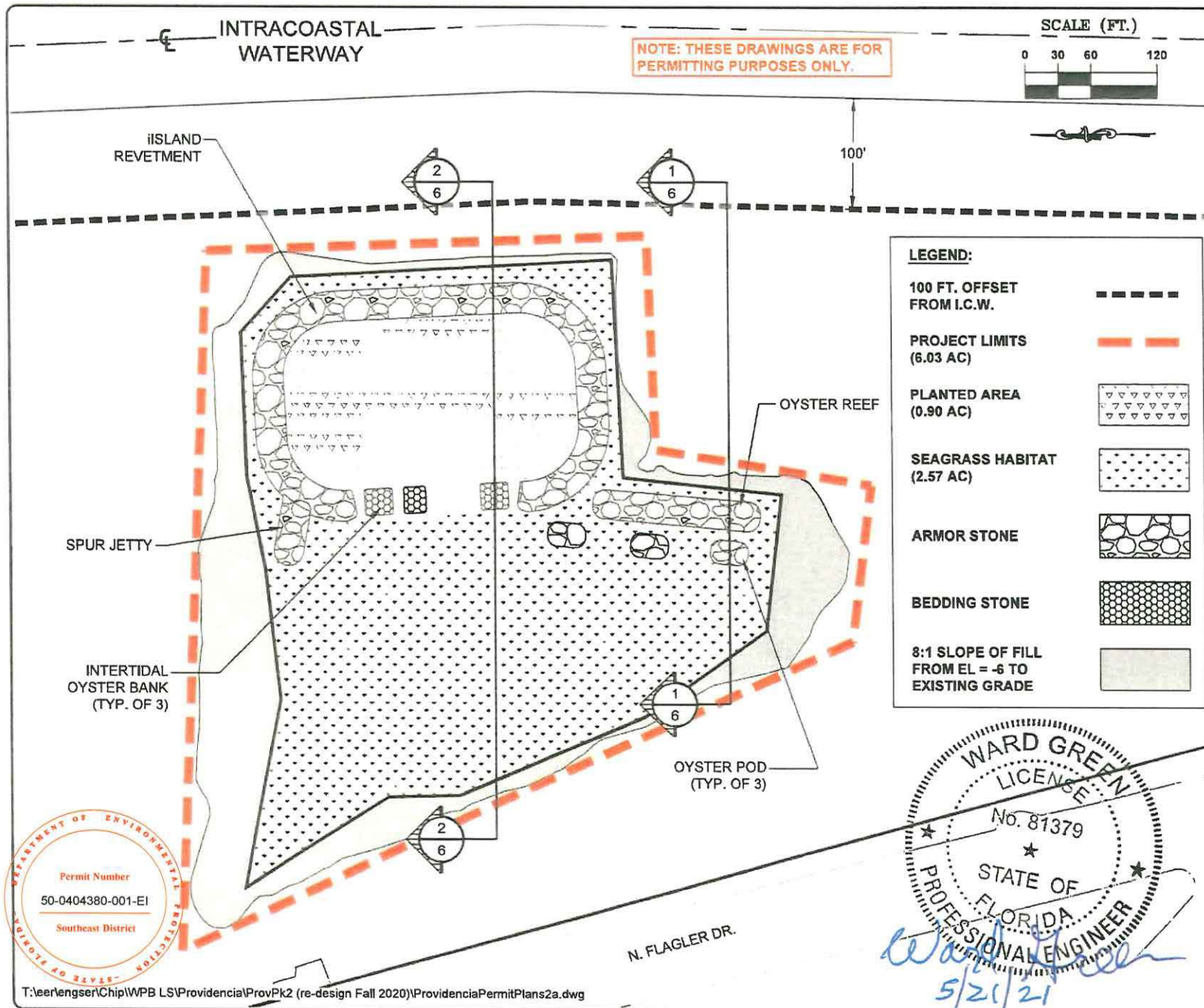
Project:

Sheet:

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OF

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PALM BEACH COUNTY  
DEPARTMENT OF  
ENVIRONMENTAL RESOURCES MANAGEMENT  
2300 NORTH JOG ROAD, 4th FLOOR  
WEST PALM BEACH, FLORIDA 33411  
(561) 233-2400



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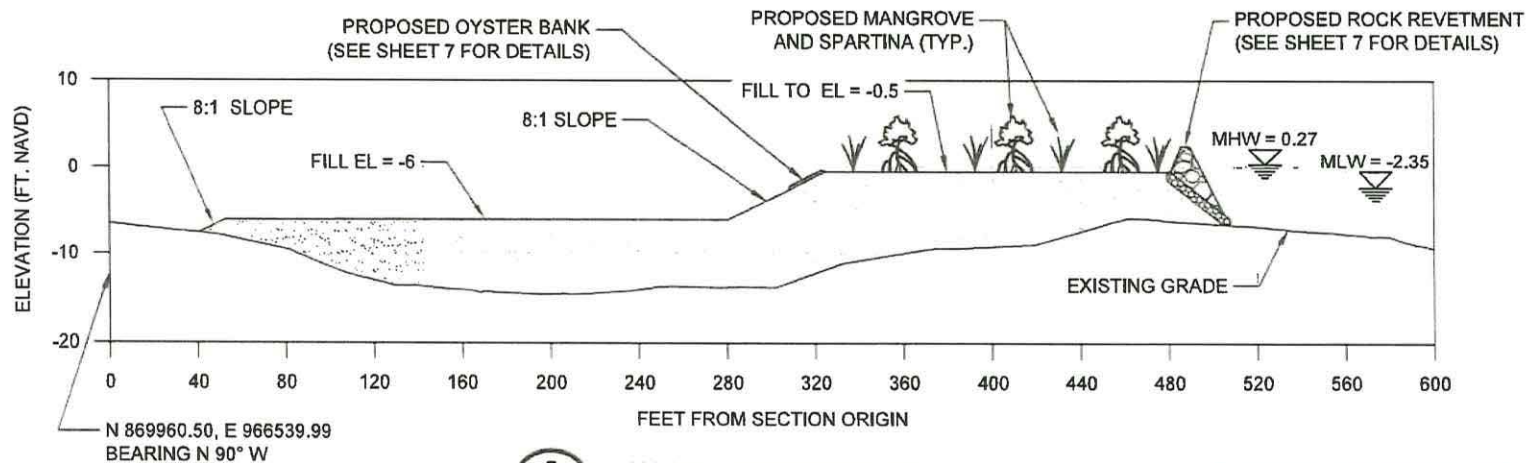
PROVIDENCIA CAY HABITAT ENHANCEMENT  
PERMIT PLANS

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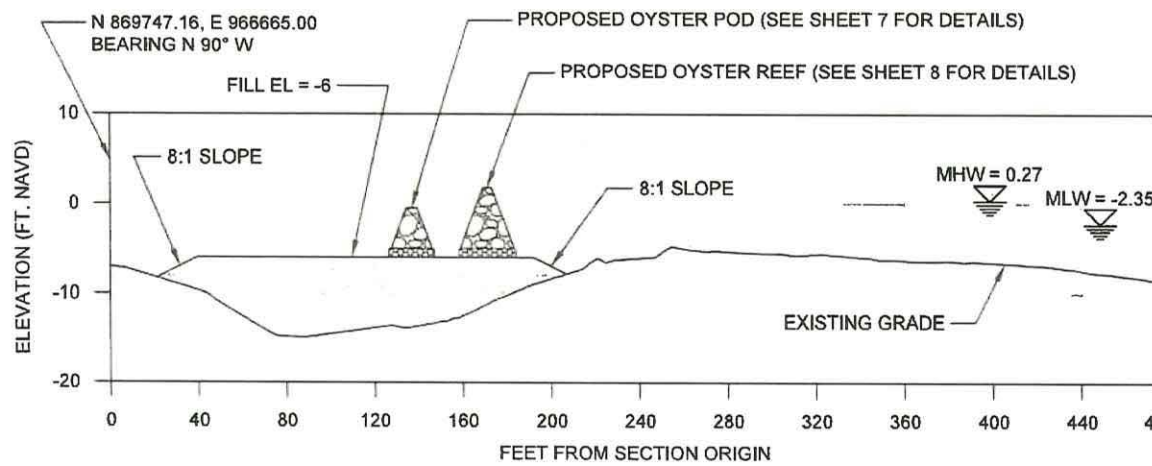
Sheet: 5 OF 10

PLAN

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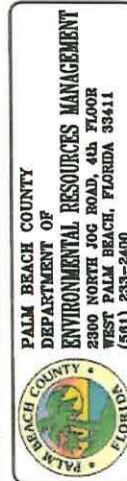


NOTE: THESE DRAWINGS  
ARE FOR PERMITTING  
PURPOSES ONLY.



HORIZONTAL SCALE = 4X VERTICAL SCALE

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Scale: AS NOTED  
Drawn By: CG  
Date: 5/21/2021

PROVIDENCIA CAY HABITAT ENHANCEMENT  
PERMIT PLANS  
CROSS-SECTIONS

Project:

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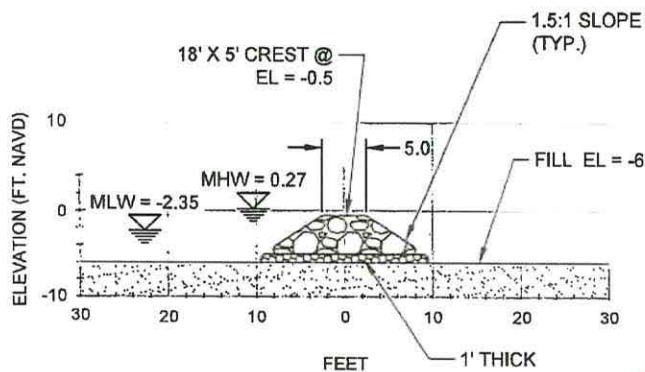
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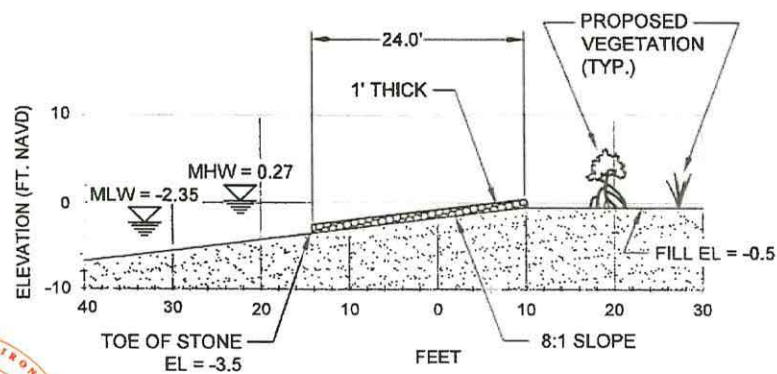
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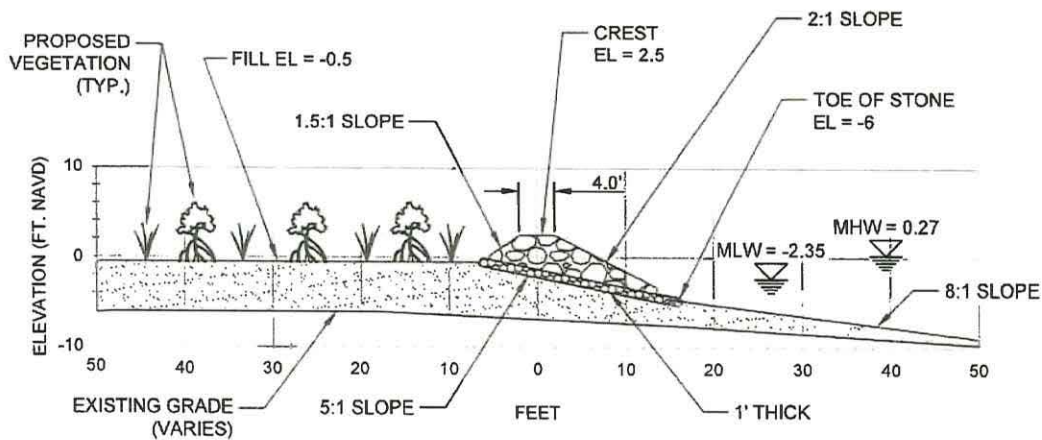




TYPICAL OYSTER POD SECTION



TYPICAL OYSTER BANK SECTION



TYPICAL ISLAND REVETMENT SECTION

LEGEND:

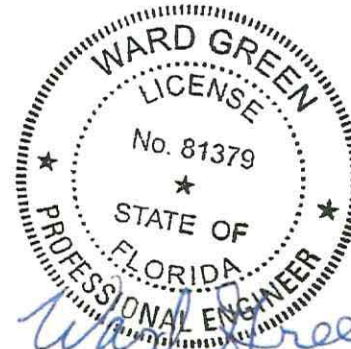
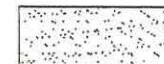
ARMOR STONE



BEDDING STONE ON FILTER FABRIC



SAND FILL



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DEPARTMENT OF  
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2300 NORTH JOG ROAD, 4th FLOOR  
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PROVIDENCIA CAY HABITAT ENHANCEMENT  
PERMIT PLANS

TYPICAL CROSS-SECTIONS

Project:  
Sheet: 7 OF 10



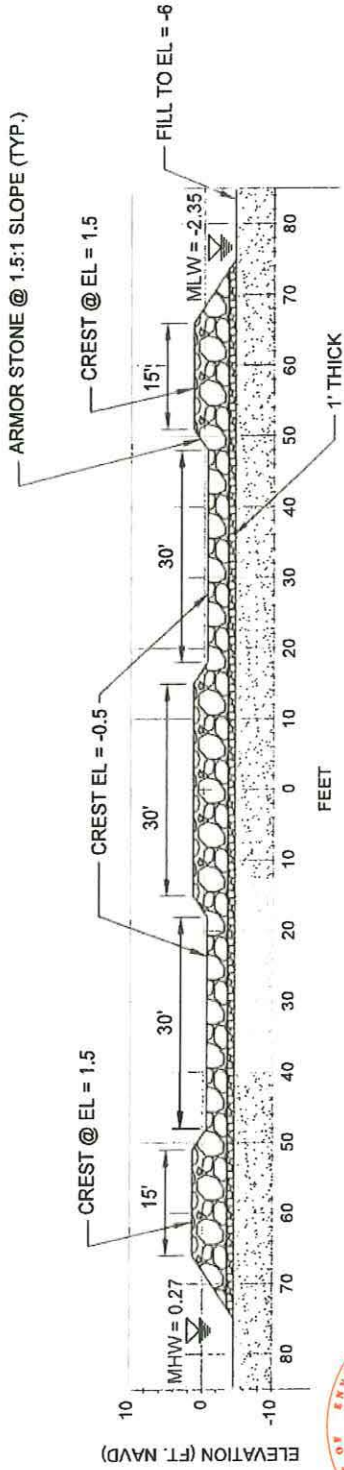
PALM BEACH COUNTY  
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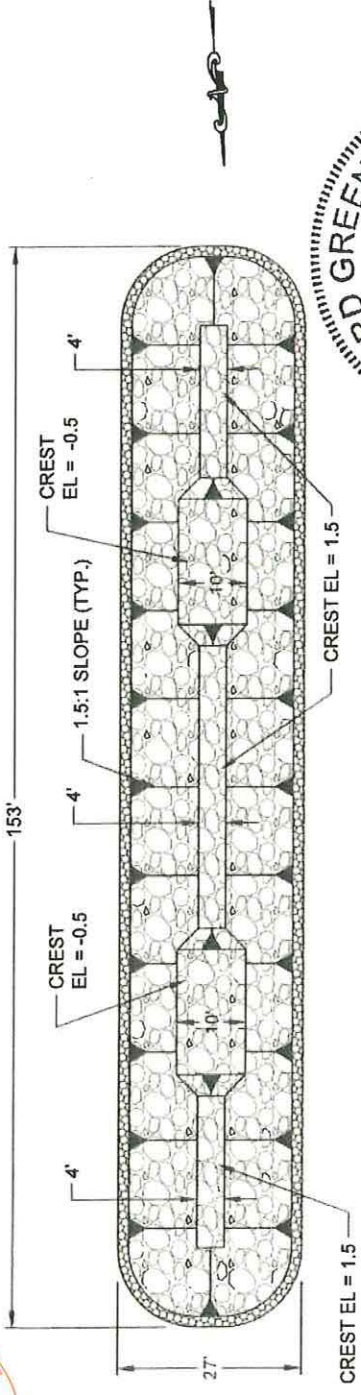
PROVIDENCIA CAY HABITAT ENHANCEMENT  
 PERMIT PLANS  
 OYSTER REEF DETAILS

Sheet: 8 of 10



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OYSTER REEF SECTION



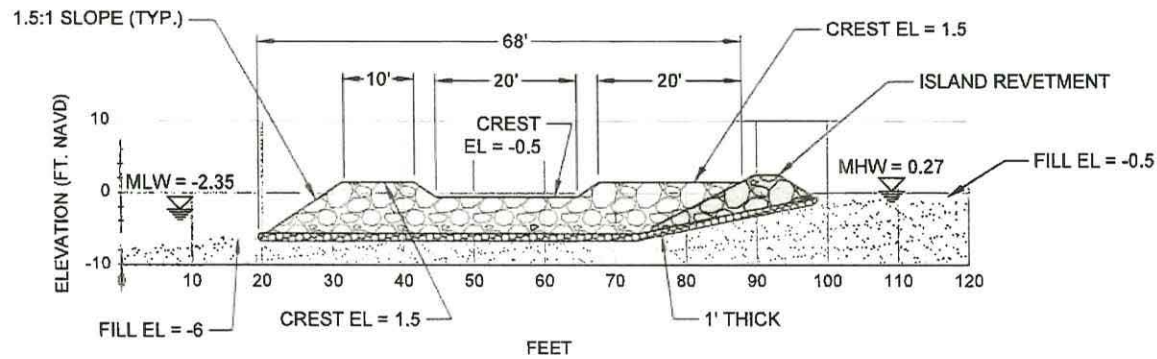
OYSTER REEF PLAN VIEW

**LEGEND:**

	ARMOR STONE
	BEDDING STONE ON FILTER FABRIC
	SAND FILL



*Ward Green*  
 5/21/21



SPUR JETTY SECTION

**LEGEND:**

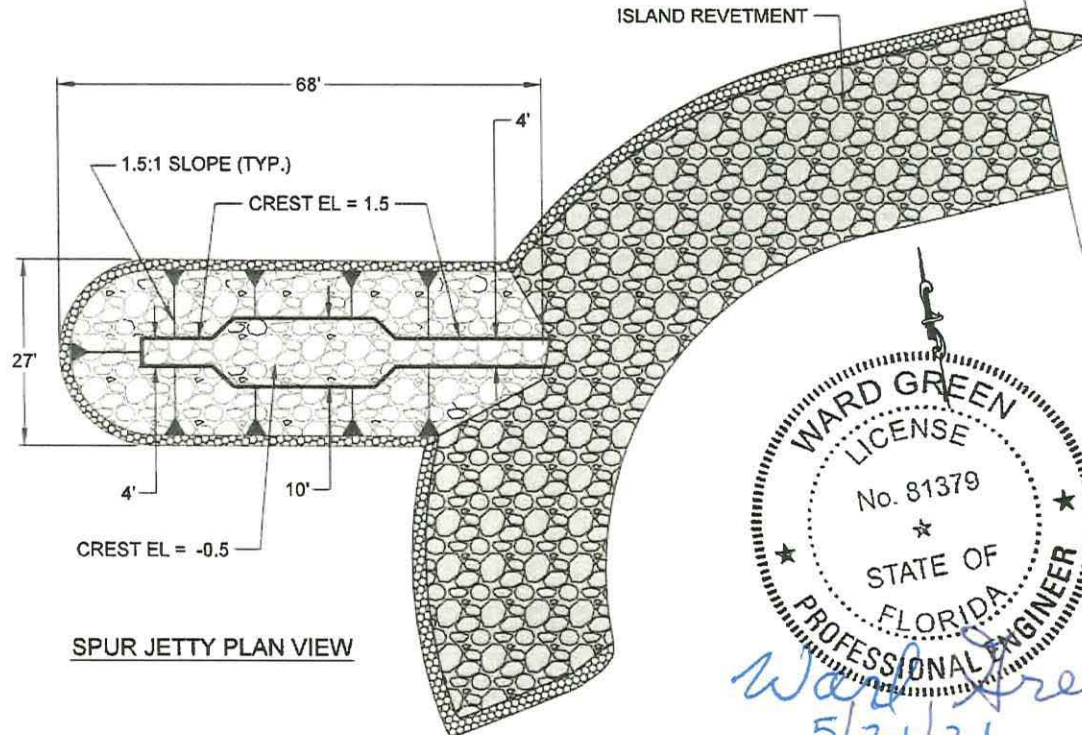
ARMOR STONE



BEDDING STONE  
ON FILTER FABRIC



SAND FILL



SPUR JETTY PLAN VIEW



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PROVIDENCIA CAY HABITAT ENHANCEMENT  
PERMIT PLANS

SPUR JETTY DETAILS

Project:

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OF  
10



## AREAS

ECOLOGICAL ENHANCEMENT	AREA (AC)
PLANTED AREA*	0.90
SEAGRASS HABITAT*	2.57
OYSTER HABITAT**	0.19
<b>TOTAL</b>	<b>3.66</b>

\* SEE SHEET 5.

\*\* COMPRISED OF THE INTERTIDAL ZONE OF ALL ROCK STRUCTURES, EXCLUDING THE INTERIOR SLOPE OF THE REVETMENT. SEE THE FIGURE BELOW.



## VOLUMES

FILL COMPONENT	SAND (CY)
PLATEAU @ EL = -6 AND 8:1 SLOPE TO EXISTING GRADE	41,400
ISLAND @ EL = -0.5 ON PLATEAU AND 5:1 SLOPE TO PLATEAU	10,600
<b>TOTAL</b>	<b>52,000</b>

ROCK COMPONENT	BEDDING STONE (CY)	ARMOR STONE (CY)	TOTAL (CY)
ISLAND REVETMENT	680	820	1,500
SPUR JETTY	50	190	240
OYSTER BANKS	60	0	60
OYSTER REEF	150	430	580
OYSTER PODS	80	140	220
<b>TOTAL</b>	<b>1,020</b>	<b>1,580</b>	<b>2,600</b>

### LEGEND:

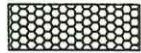
ARMOR STONE



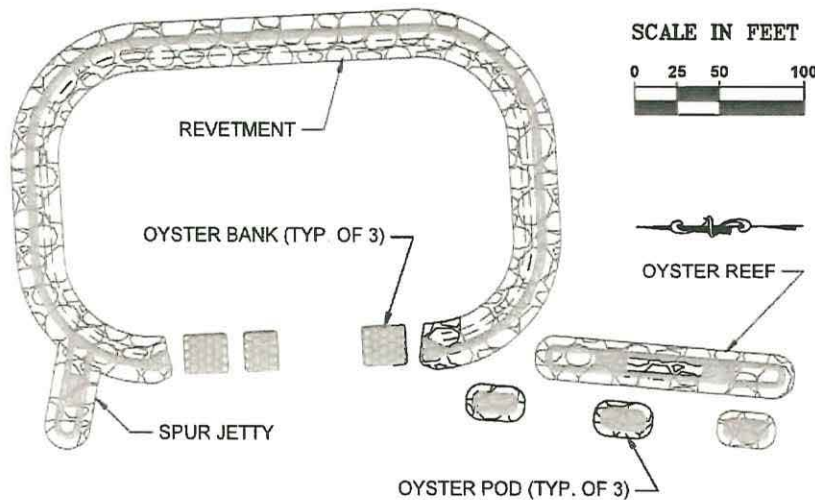
OYSTER HABITAT



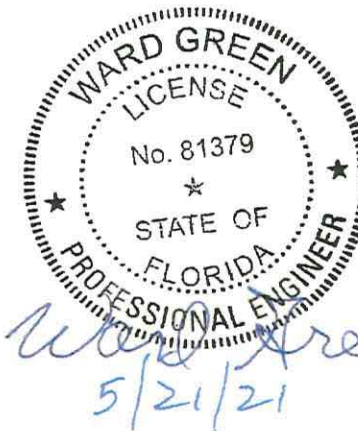
BEDDING STONE



REVTMENT CREST =====



**OYSTER HABITAT PLAN VIEW**



NOTE: THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY.

PALM BEACH COUNTY  
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PROVIDENCIA CAY HABITAT ENHANCEMENT  
PERMIT PLANS

QUANTITIES

Sheet: 10 OF 10



## **Turbidity Monitoring Plan**

Turbidity curtains will be placed during all in-water and turbidity generating activities to prevent sediment from entering surface waters and to contain turbidity. If during construction, a turbidity plume is visible outside of the turbidity curtain, then turbidity will be monitored and recorded outside of the turbidity curtains to monitor if turbidity levels exceed 29 NTUs above ambient background levels.

The following discusses frequency, location, and standard methods to monitor the area in vicinity of the active construction zone.

### *Methodology*

Water quality for turbidity shall be conducted in the following manner by an individual who is qualified and experienced in water quality monitoring.

Units: Nephelometric Turbidity Units (NTUs).

Frequency: Approximately every 4 hours a minimum of 3 times per day during dredging beginning approximately 15 minutes after commencement of dredging and at any other time when an excessive turbidity plume is observed. The total number of samples will be dependent on the dredging method (mechanical/hydraulic) as each method may experience varying amounts of downtime for equipment maintenance.

Location: Background: At least 300 meters up current of the placement location opposite the direction of flow, outside the influence of any visible turbidity plume, at mid-depth.

Compliance: Not more than 150 meters down current from the dredge location in the direction of flow, where the deepest portion of the turbidity plume crosses the edge of the mixing zone, at mid-depth. Samples shall be collected at the edge of the nearest seagrass bed (i.e. truncating the mixing zone) in areas where resources are closer than the proposed mixing zone limits.

Standards: Determined by comparing the turbidity level of the compliance sample (collected at the edge of the mixing zone) to the turbidity level of the corresponding background sample. Based on standard dredging operations within the area, the turbidity standard is 29 NTUs above background.



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT  
4400 PGA BOULEVARD, SUITE 500  
PALM BEACH GARENS, FLORIDA 33410

May 19, 2022

Jacksonville District  
South Branch  
Palm Beach Gardens Section  
SAJ-2021-02060 (SP-CGK)

Palm Beach County  
Attn.: Deborah Drum  
2300 N. Jog Road, 4th Floor  
West Palm Beach, FL 33411

Dear Ms. Drum:

The U.S. Army Corps of Engineers (Corps) is pleased to enclose the Department of the Army permit, which should be available at the construction site. Work may begin immediately but the Corps must be notified of:

- a. The date of commencement of the work,
- b. The dates of work suspensions and resumptions of work, if suspended over a week, and
- c. The date of final completion.

This information should be mailed to the Enforcement Section of the Regulatory Division of the Jacksonville District at [saj-rd-enforcement@usace.army.mil](mailto:saj-rd-enforcement@usace.army.mil). The Enforcement Section is also responsible for inspections to determine whether Permittees have strictly adhered to permit conditions.

IT IS NOT LAWFUL TO DEVIATE FROM  
THE APPROVED PLANS ENCLOSED.

Sincerely,

*Alisa Zarbo*

for: Shawn H. Zinszer  
Chief, Regulatory Division

# DEPARTMENT OF THE ARMY PERMIT

**Permittee:** PALM BEACH COUNTY  
ATTN.: DEBORAH DRUM  
2300 N. JOG ROAD, 4TH FLOOR  
WEST PALM BEACH, FL 33411

**Permit No:** SAJ-2021-02060 (SP-CGK)

**Issuing Office: U.S. Army Engineer District, Jacksonville**

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

**Project Description:**

The applicant seeks authorization to enhance 5.34 acres of the Lake Worth Lagoon by creating 0.90 acres of mangrove habitat, 2.59 acres of habitat for anticipated seagrass recruitment, 0.17 acres of oyster reef habitat, with 1.25 acres to remain as benthic-sand habitat. The associated work would include:

- Placement of 52,000 yd<sup>3</sup> of clean fill (sand) within a 4.69 acre total area to an elevation of (-) 0.5-feet to (-)6.0'feet NAVD88 to create a 3.79-acre plateau and a 0.9-acre island
- Placement of 2,470 yd<sup>3</sup> of stone fill within a 0.6 acre total area to create a 0.43-acre spur jetty, 0.04-acre oyster banks, 0.08-acre oyster reef, and 0.05-acre oyster pods.
- Planting of red mangroves (*Rhizophora mangle*) and smooth cordgrass (*Spartina alterniflora*) within a 0.9-acre area.

**Project Location:** The project site is located in tidal waters east of Flagler Drive in between Palm Beach Lakes Blvd and 9th Street in West Palm Beach, Section 15, Township 43 South, Range 43 East, Palm Beach County, Florida.

**Approximate Central Coordinates:** Latitude: 26.724070°  
Longitude: -80.048006°

**Permit Conditions**



PERMIT NUMBER: SAJ-2021-02060 (SP-CGK)  
PERMITTEE: PALM BEACH COUNTY ENVIRONMENTAL RESOURCES  
MANAGEMENT  
PAGE 2 of 12

**General Conditions:**

1. The time limit for completing the work authorized ends on May 19, 2027. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions (Attachment F).

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions:**

1. Reporting Address: The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:

PERMIT NUMBER: SAJ-2021-02060 (SP-CGK)  
PERMITTEE: PALM BEACH COUNTY ENVIRONMENTAL RESOURCES  
MANAGEMENT  
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- a. For electronic mail (preferred): [SAJ-RD-Enforcement@usace.army.mil](mailto:SAJ-RD-Enforcement@usace.army.mil) (not to exceed 15 MB).
  - b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.
  - c. The Permittee shall reference this permit number, SAJ-2021-02060 (SP-CGK) on all submit
2. Commencement Notification: Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed "Commencement Notification" Form (Attachment B).
3. Assurance of Navigation and Maintenance: The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
4. As-Builts with XYs: As-Built Certification By Professional Engineer form (Attachment C) to the Corps. The as-built drawings shall be signed and sealed by a registered professional engineer and include the following:
  - a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawings shall include the X & Y State Plane coordination points of the most waterward point of the structure and a point at the mean high-water line (MHWL) or the face of the bulkhead/seawall, if present. The drawings shall include: (1) The dimensions of the structure, (2) depth of water (at mean low water) at the waterward end of the structure, and (3) the distance from the waterward end of the structure to the near bottom edge of the channel.

- b. A list of any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the attached "As-Built Certification By Professional Engineer" form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or "As-Built Certification By Professional Engineer" form does not constitute approval of any deviations by the Corps.
  - c. Include the Department of the Army permit number on all sheets submitted.
- 5. Manatee Conditions: The Permittee shall comply with the enclosed (Attachment D) "Standard Manatee Conditions for In-Water Work – 2011." The most recent version of the Manatee Conditions must be utilized.
- 6. Jacksonville District Programmatic Biological Opinion (JAXBO): Structures and activities authorized under this permit will be constructed and operated in accordance with all applicable PDCs contained in the JAXBO, based on the permitted activity. Failure to comply with applicable PDCs will constitute noncompliance with this permit. In addition, failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take. The NMFS is the appropriate authority to determine compliance with the Endangered Species Act. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division website in the Endangered Species section of the Sourcebook located at:  
<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>
- 7. Turbidity Barriers: Prior to the initiation of any of the work authorized by this permit, the Permittee shall install floating turbidity barriers with weighted skirts that extend around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained daily until the authorized work has been completed and turbidity within the construction area has returned to ambient levels. Turbidity barriers shall be removed upon stabilization of the work area.



8. Single and Complete Project: This project is a single and complete project and shall not be used as mitigation for any other project impacts.
9. Planting: The permittee shall plant the native vegetation only.
10. Agency Changes/Approvals: Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Palm Beach Gardens Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.
11. Fill Material:
  - a. The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance in toxic amounts, in accordance with Section 307 of the Clean Water Act.
  - b. Prior to 30 days before the discharge of fill material, the Permittee must provide written notification to the reporting address in Special Condition #1 that identifies the source of the fill material. If the source of the material is associated with a DA permit, the file number should be provided in addition to location.
12. Safety: The applicant would be required to adhere to standard safety protocols when operating the equipment during the in-water activities.
13. Consent to Easement: A portion of the authorized work may be located within the Federal right-of-way and therefore, may require a Department of the Army Consent to Easement. A copy of this authorization has been forwarded to the Corps' Real Estate Division for action on the Consent to Easement. Prior to commencement of construction, the Permittee shall provide a copy of the Corps approved Consent to Easement to the address identified in Reporting Addresses Special Condition.

PERMIT NUMBER: SAJ-2021-02060 (SP-CGK)  
PERMITTEE: PALM BEACH COUNTY ENVIRONMENTAL RESOURCES  
MANAGEMENT  
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The Real Estate Division is responsible for issuing the Consent to Easement. For questions or status updates on the Consent to Easement, please contact Real Estate Division at SAJ-RE-Consent@usace.army.mil or Post Office Box 4970, Jacksonville, Florida 32232-0019 or by telephone at 904-570-4515.

14. Notice of Permit: The Permittee shall complete and record the enclosed Notice of Department of the Army Permit (Attachment E) with the Clerk of the Circuit Court, Registrar of Deeds or other appropriate official charged with the responsibility of maintaining records of title to or interest in real property within the county of the authorized activity. Within 90 days from the effective date of this permit the Permittee shall provide a copy of the recorded Notice of Permit to the Corps clearly showing a stamp from the appropriate official indicating the book and page at which the Notice of Permit is recorded and the date of recording.

15. Cultural Resources/Historic Properties:

- a. No structure or work shall adversely affect impact or disturb properties listed in the National Register of Historic Places (NRHP) or those eligible for inclusion in the NRHP.
- b. If, during permitted activities, items that may have historic or archaeological origin are observed the Permittee shall immediately cease all activities adjacent to the discovery that may result in the destruction of these resources and shall prevent his/her employees from further removing, or otherwise damaging, such resources. The applicant shall notify both the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333 and the Corps, of the observations within the same business day (8 hours). Examples of submerged historical, archaeological or cultural resources include shipwrecks, shipwreck debris fields (such as steam engine parts, or wood planks and beams), anchors, ballast rock, concreted iron objects, concentrations of coal, prehistoric watercraft (such as log "dugouts"), and other evidence of human activity. The materials may be deeply buried in sediment, resting in shallow sediments or above them, or protruding into water. The Corps shall coordinate with the Florida State Historic Preservation Officer (SHPO) to assess the significance of the discovery and devise appropriate actions. Project activities shall not resume without verbal and/or written authorization from the Corps.

- c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition ; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5) . Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.
- d. In the unlikely event that unmarked human remains are identified on non-federal lands; they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archaeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the SHPO and from the Corps.

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344)

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

( ) Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408)



2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.

PERMIT NUMBER: SAJ-2021-02060 (SP-CGK)  
PERMITTEE: PALM BEACH COUNTY ENVIRONMENTAL RESOURCES  
MANAGEMENT  
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b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

PERMIT NUMBER: SAJ-2021-02060 (SP-CGK)  
PERMITTEE: PALM BEACH COUNTY ENVIRONMENTAL RESOURCES  
MANAGEMENT  
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Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

 5-19-2022  
(PERMITTEE) (DATE)

DEBORAH DRUM  
(PERMITTEE NAME-PRINTED)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

 Date: 19 May 2022  
for: JAMES L. BOOTH  
Colonel, EN  
Commanding



PERMIT NUMBER: SAJ-2021-02060 (SP-CGK)  
PERMITTEE: PALM BEACH COUNTY ENVIRONEMTAL RESOURCES  
MANAGEMENT  
PAGE 11 of 12

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFeree-SIGNATURE)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(NAME-PRINTED)

\_\_\_\_\_  
(ADDRESS)

\_\_\_\_\_  
(CITY, STATE, AND ZIP CODE)

PERMIT NUMBER: SAJ-2021-02060 (SP-CGK)  
PERMITTEE: PALM BEACH COUNTY ENVIRONEMTAL RESOURCES  
MANAGEMENT  
PAGE 12 of 12

***Attachments to Department of the Army  
Permit Number SAJ-2021-02060 (SP-CGK)***

- A. PERMIT DRAWINGS: 10 pages
- B. COMMENCEMENT NOTICE FORM: 1 page
- C. AS BUILT FORM: 1 Page
- D. MANATEE CONDITIONS: 2 pages
- E. NOTICE OF PERMIT FORM: 2 pages
- F. WATER QUALITY CERTIFICATION: Specific Conditions of the water quality permit/certification in accordance with General Condition number 5 on page 2 of this DA permit: 12 pages.

NOTE: THESE DRAWINGS ARE FOR  
PERMITTING PURPOSES ONLY.

# COUNTY OF PALM BEACH STATE OF FLORIDA

## PROVIDENCIA CAY HABITAT ENHANCEMENT

### BOARD OF COUNTY COMMISSIONERS

DAVE KERNER, MAYOR  
DISTRICT 3

MARIA G. MARINO  
DISTRICT 1

MARIA SACHS  
DISTRICT 5

GREGG K. WEISS  
DISTRICT 2

MELISSA McKINLAY  
DISTRICT 6

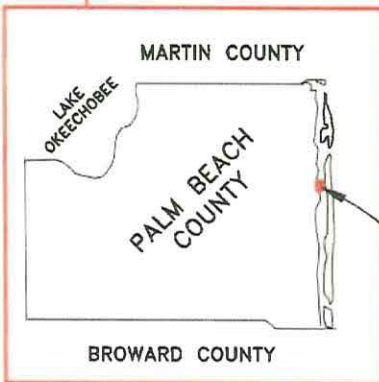
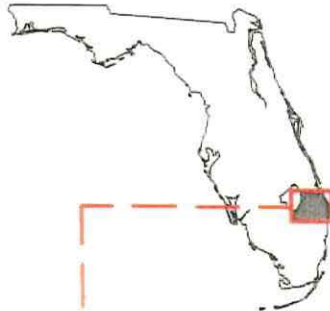
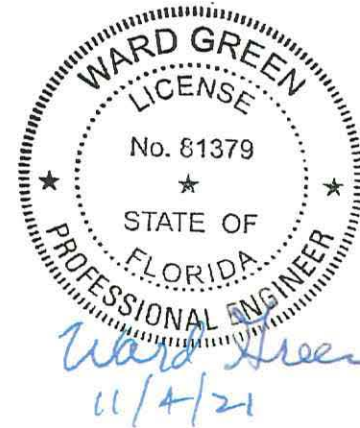
ROBERT S. WEINROTH  
DISTRICT 4

MACK BERNARD  
DISTRICT 7

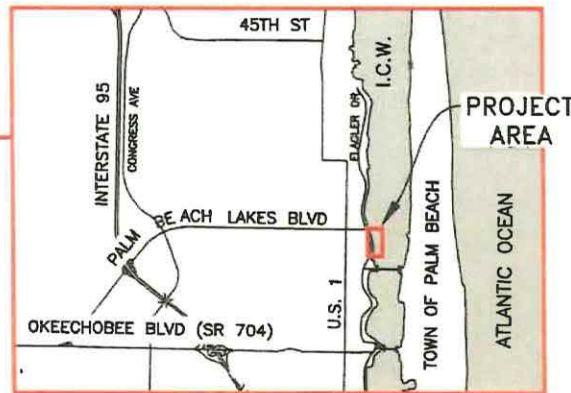


#### INDEX OF DRAWINGS

SHEET NO.	DESCRIPTION
1	COVER SHEET
2	GENERAL NOTES
3	EASEMENTS & PROJECT LIMITS
4	BATHYMETRY & PROPOSED FILL AREAS
5	PLAN
6	CROSS-SECTIONS
7	TYPICAL CROSS-SECTIONS
8	OYSTER REEF DETAILS
9	SPUR JETTY DETAILS
10	QUANTITIES



N.T.S.



N.T.S.



Scale: AS NOTED  
Drawn By: CG  
Date: 10/29/2021

PROVIDENCIA CAY HABITAT ENHANCEMENT  
PERMIT PLANS  
COVER SHEET

Sheet: 1 OF 10



**NOTE: THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY.**

**GENERAL SCOPE OF PROJECT:**

1. FILL AN AREA WITH SAND TO -6' NAVD, TO BUILD A PLATEAU ON WHICH AN ISLAND CAN BE BUILT, OYSTER HABITAT CAN BE CONSTRUCTED, AND TO PROVIDE SEAGRASS HABITAT.
2. FILL AN AREA ON THE PLATEAU TO -0.5' NAVD TO CREATE THE ISLAND.
3. INSTALL A STONE REVETMENT ON THE ISLAND PERIMETER FOR SOIL STABILIZATION AND OYSTER HABITAT.
4. EXTEND A SPUR JETTY FROM THE REVETMENT FOR ADDED EROSION PROTECTION AND OYSTER HABITAT.
5. PLACE STONE TO CONSTRUCT THREE OYSTER BANKS ON THE WESTERN PERIMETER OF THE ISLAND, THREE OYSTER PODS, AND THREE OYSTER REEFS. OYSTER STRUCTURES TO HAVE 5-FOOT GAPS EVERY 75 FEET AS MEASURED ALONG THE STRUCTURE CENTERLINE AT THE STRUCTURE TOE.
6. PLANT MANGROVES AND SPARTINA ON THE ISLAND.
7. INSTALL A WARNING SIGN TO ALERT BOATERS OF NAVIGATIONAL HAZARDS.

**DATA:**

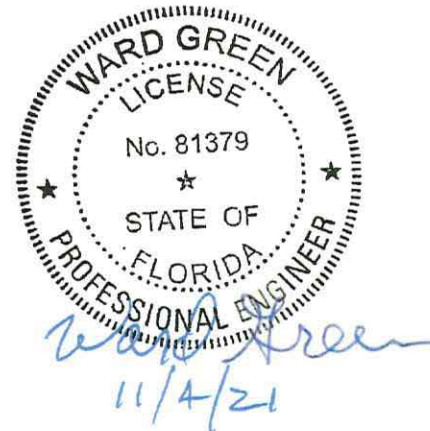
1. STATE PLANE COORDINATES (SPC) HEREIN ARE IN THE FLORIDA EAST ZONE, IN U.S. SURVEY FEET, AND ARE REFERENCED TO NAD 83.
2. LAT-LONG COORDINATES ARE REFERENCED TO WGS 84.
3. ALL ELEVATIONS SHOWN HEREIN ARE IN FEET AND ARE REFERENCED TO NAVD 88.
4. MHW AND MLW ELEVATIONS WERE OBTAINED FROM WWW.LABINS.ORG, TIDE INTERPOLATION POINT #40, SECTION-TOWNSHIP-RANGE 22-43S-43E.
5. EXISTING LAGOON FLOOR ELEVATIONS ARE BASED ON BATHYMETRIC MEASUREMENTS COLLECTED BY PALM BEACH COUNTY (P.B.C.) DEPT. OF ENVIRONMENTAL RESOURCES MGMT. STAFF (E.R.M.) ON 9/25/18 USING A SEAFLOOR HYDROLITE-TM™ SINGLE-BEAM ECHOSOUNDER COUPLED TO A TRIMBLE® GEO 7X GPS UNIT EQUIPPED WITH TERRASYNC™ "CENTIMETER EDITION" RTK SOFTWARE.
6. AERIAL PHOTOGRAPHS WERE OBTAINED FROM THE PALM BEACH COUNTY (P.B.C.) INTERNET SYSTEM SERVICES' COUNTYWIDE G.I.S. PROGRAM THROUGH THE P.B.C. INTRANET. THEY ARE DATED 2020 AND ARE FOR INFORMATIONAL PURPOSES ONLY.

**PROJECT LIMITS AND PROPERTY OWNERSHIP:**

1. THE PROJECT LIMITS ARE WITHIN A PARCEL OF SOVEREIGNTY SUBMERGED LANDS, TITLE TO WHICH IS HELD BY THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA (T.I.I.T.F.).
2. THE PARCEL BOUNDARY IS LEGALLY DESCRIBED IN "SCHEDULE A" OF THE AMERICAN LAND TITLE ASSOCIATION COMMITMENT FOR TITLE INSURANCE ISSUED BY CHICAGO TITLE INSURANCE COMPANY, EFFECTIVE 11/9/19.
3. PROJECT LIMITS ARE AN APPROXIMATION OF THE PERIMETER OF THE FOOTPRINT OF MATERIAL PLACEMENT FOR PURPOSES OF ESTABLISHING THE DISTANCE OF THE PROJECT FROM EASEMENTS, THE SHORELINE AND THE INTRACOASTAL WATERWAY.

**TURBIDITY CONTROL PLAN:**

1. TURBIDITY CURTAINS TO BE DEPLOYED DURING PLACEMENT OF ALL TURBIDITY GENERATING ACTIVITIES.
2. TURBIDITY CURTAIN TO BE MOVED CONSISTENTLY WITH WORK AREA.
3. 50 FOOT BUFFER FROM ICW TO BE MAINTAINED AT ALL TIMES.
4. INSTALL TEMPORARY PIN PILES AS NEEDED TO MAINTAIN CURTAIN FOOTPRINT.
5. TURBIDITY CURTAIN TO BE SET IN SMALLEST FOOTPRINT POSSIBLE TO ENCOMPASS ONGOING WORK AREA WHILE MINIMIZING IMPACT TO LOCAL NAVIGATION TO THE GREATEST EXTENT PRACTICABLE.

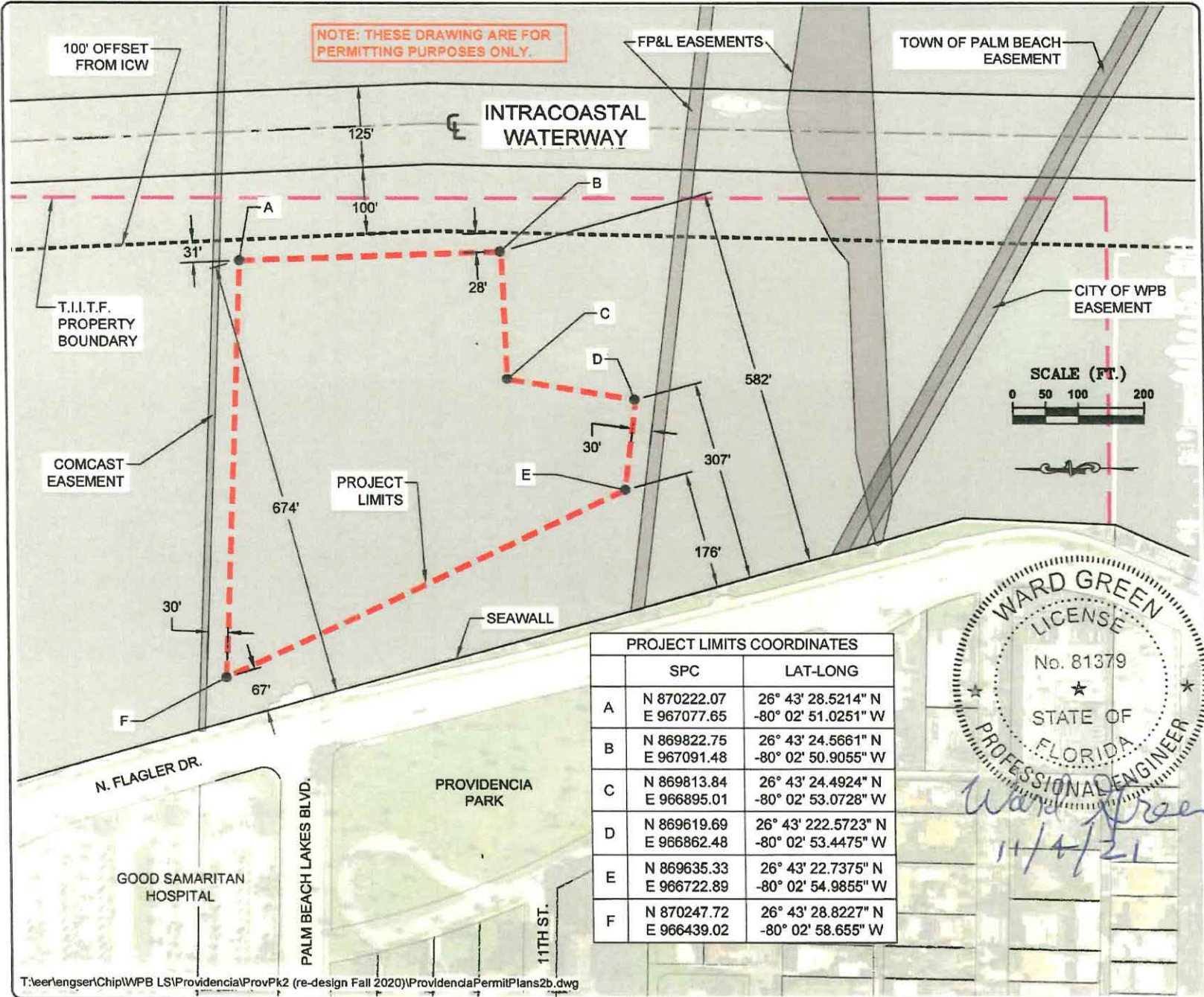


Scale: AS NOTED  
Drawn By: CG  
Date: 10/29/2021

Project: PROVIDENCIA CAY HABITAT ENHANCEMENT PERMIT PLANS  
GENERAL NOTES

Sheet: 2 OF 10





NOTE: THESE DRAWING ARE FOR PERMITTING PURPOSES ONLY.

PROJECT LIMITS COORDINATES		
	SPC	LAT-LONG
A	N 870222.07 E 967077.65	26° 43' 28.5214" N -80° 02' 51.0251" W
B	N 869822.75 E 967091.48	26° 43' 24.5661" N -80° 02' 50.9055" W
C	N 869813.84 E 966895.01	26° 43' 24.4924" N -80° 02' 53.0728" W
D	N 869619.69 E 966862.48	26° 43' 22.5723" N -80° 02' 53.4475" W
E	N 869635.33 E 966722.89	26° 43' 22.7375" N -80° 02' 54.9855" W
F	N 870247.72 E 966439.02	26° 43' 28.8227" N -80° 02' 58.655" W

WARD GREEN  
LICENSE  
No. 81379  
STATE OF  
FLORIDA  
PROFESSIONAL ENGINEER  
*Ward Green*  
*11/4/21*

PALM BEACH COUNTY  
DEPARTMENT OF  
ENVIRONMENTAL RESOURCES MANAGEMENT  
2500 NORTH JOG ROAD, 4th FLOOR  
WEST PALM BEACH, FLORIDA 33411  
(561) 253-2400

Scale: AS NOTED  
Drawn By: CG  
Date: 10/29/2021

Project: PROVIDENCIA CAY HABITAT ENHANCEMENT  
PROJECT OVERVIEW

Sheet: 3 OF 10

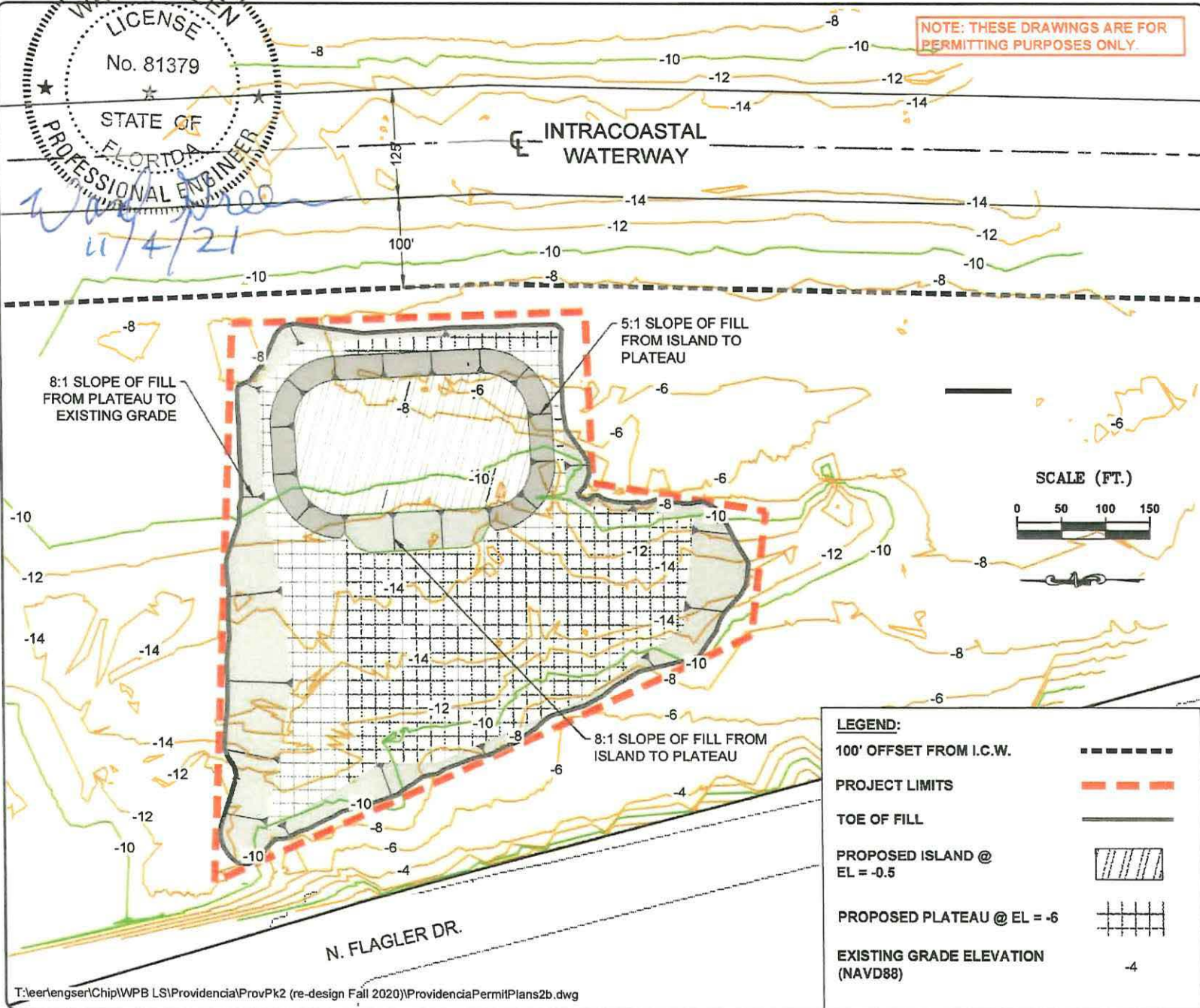
EASEMENTS & PROJECT LIMITS





*Ward Green*  
11/4/21

NOTE: THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY.



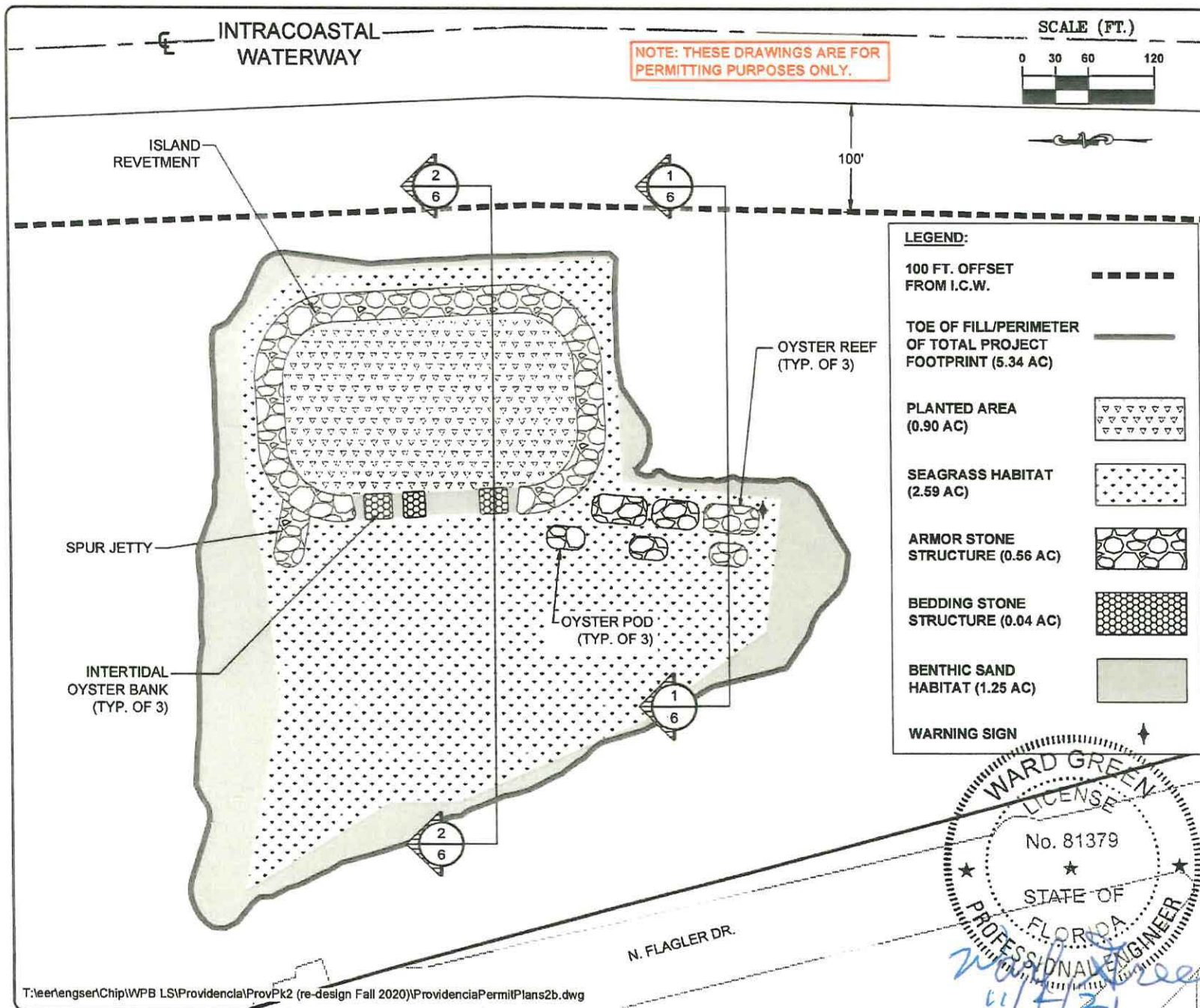
<b>LEGEND:</b>	
100' OFFSET FROM I.C.W.	-----
PROJECT LIMITS	-----
TOE OF FILL	-----
PROPOSED ISLAND @ EL = -0.5	
PROPOSED PLATEAU @ EL = -6	
EXISTING GRADE ELEVATION (NAVD88)	-4



Scale: AS NOTED  
Drawn By: CG  
Date: 10/29/2021

Project: PROVIDENCIA CAY HABITAT ENHANCEMENT PERMIT PLANS  
EXISTING BATHYMETRY & PROPOSED FILL AREAS

Sheet: 4 OF 10



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PALM BEACH COUNTY  
DEPARTMENT OF  
ENVIRONMENTAL RESOURCES MANAGEMENT  
2300 NORTH JOG ROAD, 4th FLOOR  
WEST PALM BEACH, FLORIDA 33411  
(561) 253-2400

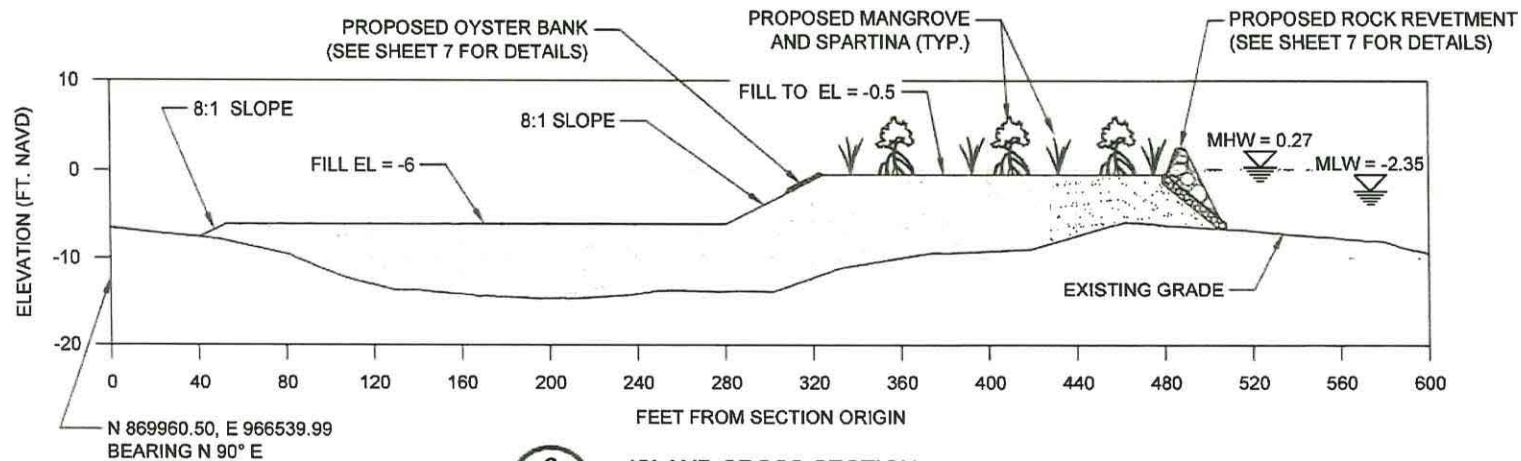
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Drawn By: CG  
Date: 10/29/2021

PROVIDENCIA CAY HABITAT ENHANCEMENT  
PERMIT PLANS

PLAN

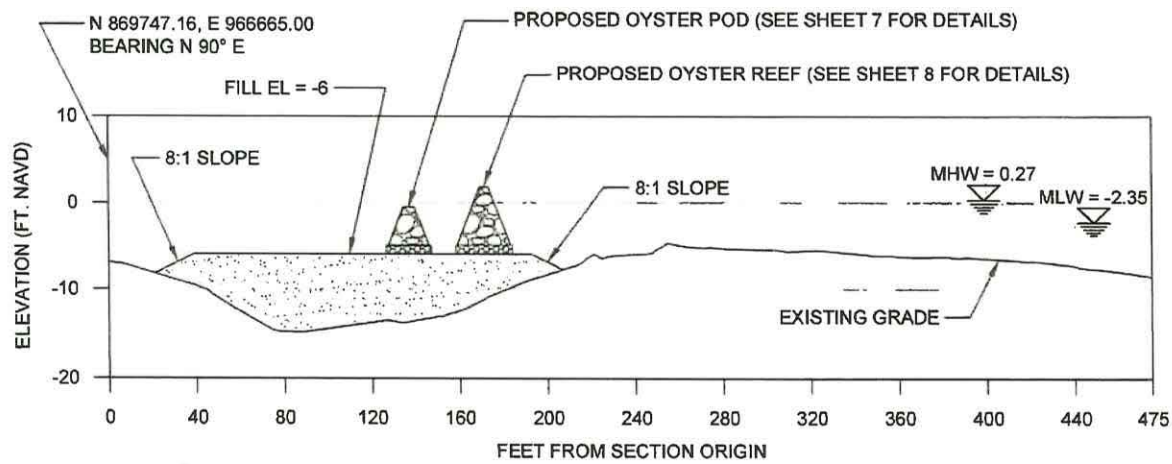
Sheet: 5 OF 10





2  
6 ISLAND CROSS-SECTION

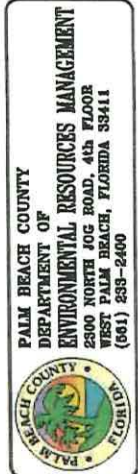
NOTE: THESE DRAWINGS  
ARE FOR PERMITTING  
PURPOSES ONLY.



1  
6 OYSTER HABITAT CROSS-SECTION

HORIZONTAL SCALE = 4X VERTICAL SCALE

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CG  
Drawn By:  
Date: 10/29/2021

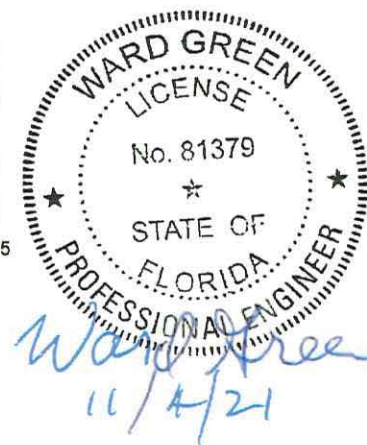
PROVIDENCIA CAY HABITAT ENHANCEMENT  
PERMIT PLANS

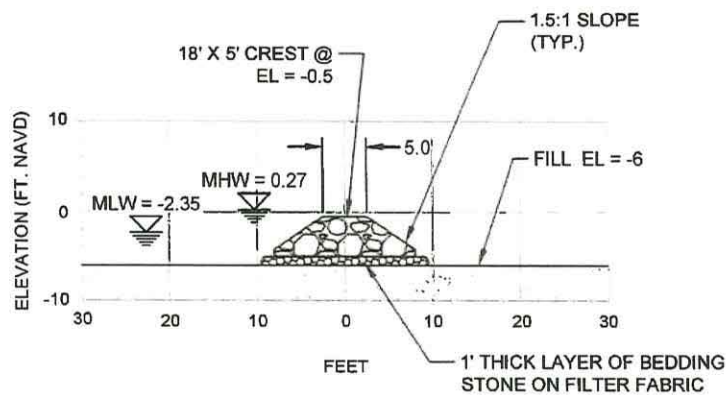
CROSS-SECTIONS

Project:

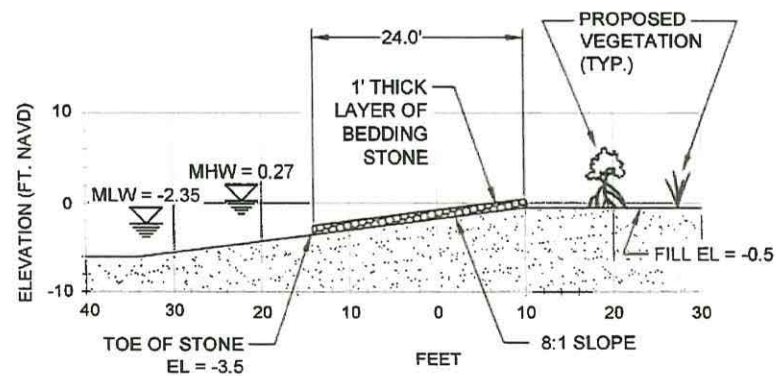
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6 OF

10

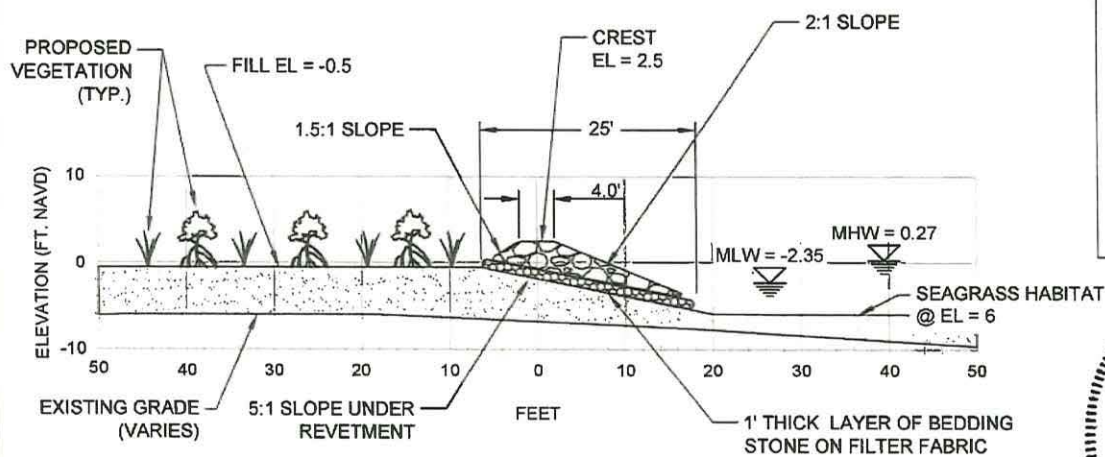




TYPICAL OYSTER POD SECTION



TYPICAL OYSTER BANK SECTION



TYPICAL ISLAND REVETMENT SECTION

**LEGEND:**

ARMOR STONE



BEDDING STONE



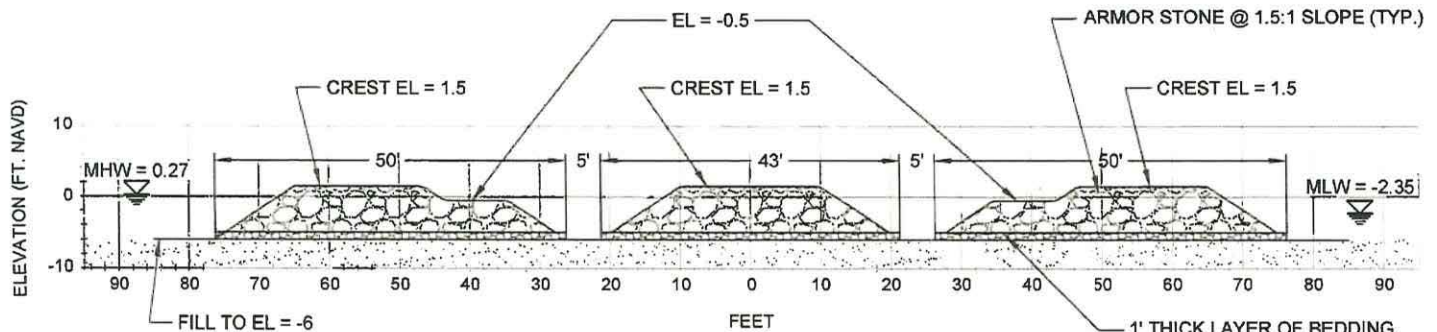
SAND FILL



NOTE: THESE DRAWINGS  
ARE FOR PERMITTING  
PURPOSES ONLY.

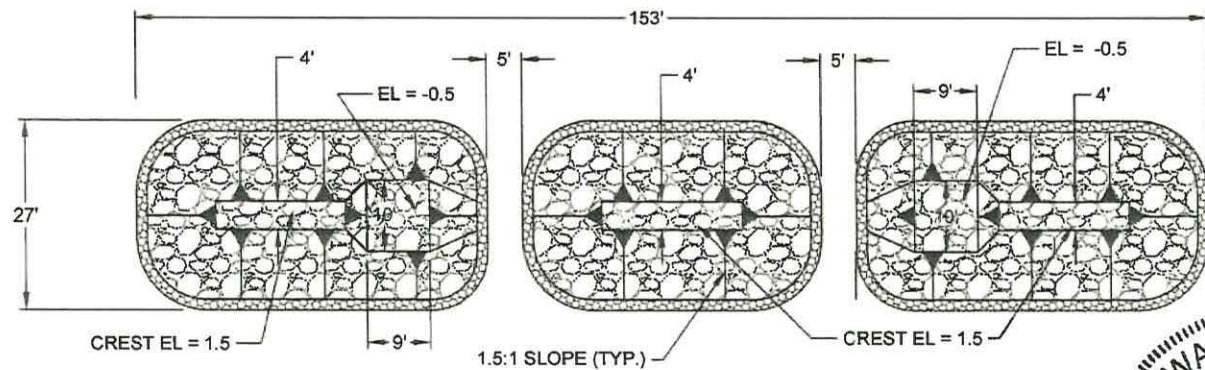


Ward Green  
11/4/21



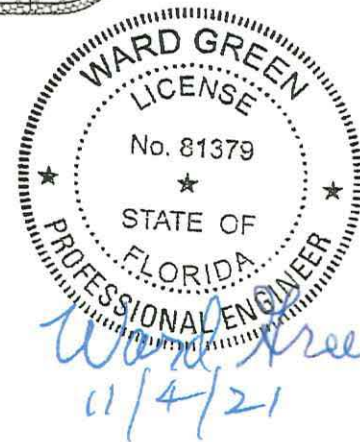
OYSTER REEF SECTION

NOTE: THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY.



OYSTER REEF PLAN VIEW

LEGEND:	
ARMOR STONE	
BEDDING STONE	
SAND FILL	



PALM BEACH COUNTY  
DEPARTMENT OF  
ENVIRONMENTAL RESOURCES MANAGEMENT  
2900 NORTH JOG ROAD, 4th FLOOR  
WEST PALM BEACH, FLORIDA 33411  
(561) 233-2400

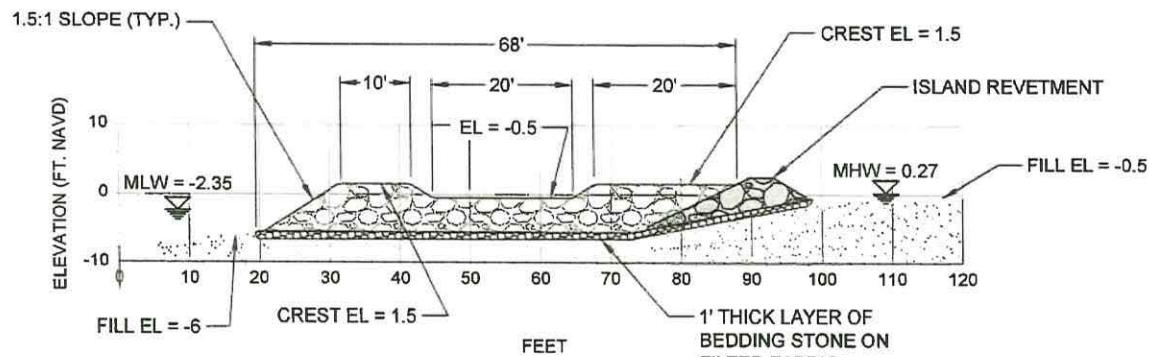
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Drawn By: CG  
Date: 10/29/2021

PROVIDENCIA CAY HABITAT ENHANCEMENT  
PERMIT PLANS

OYSTER REEF DETAILS

Sheet: 8 OF 10





SPUR JETTY SECTION

**LEGEND:**

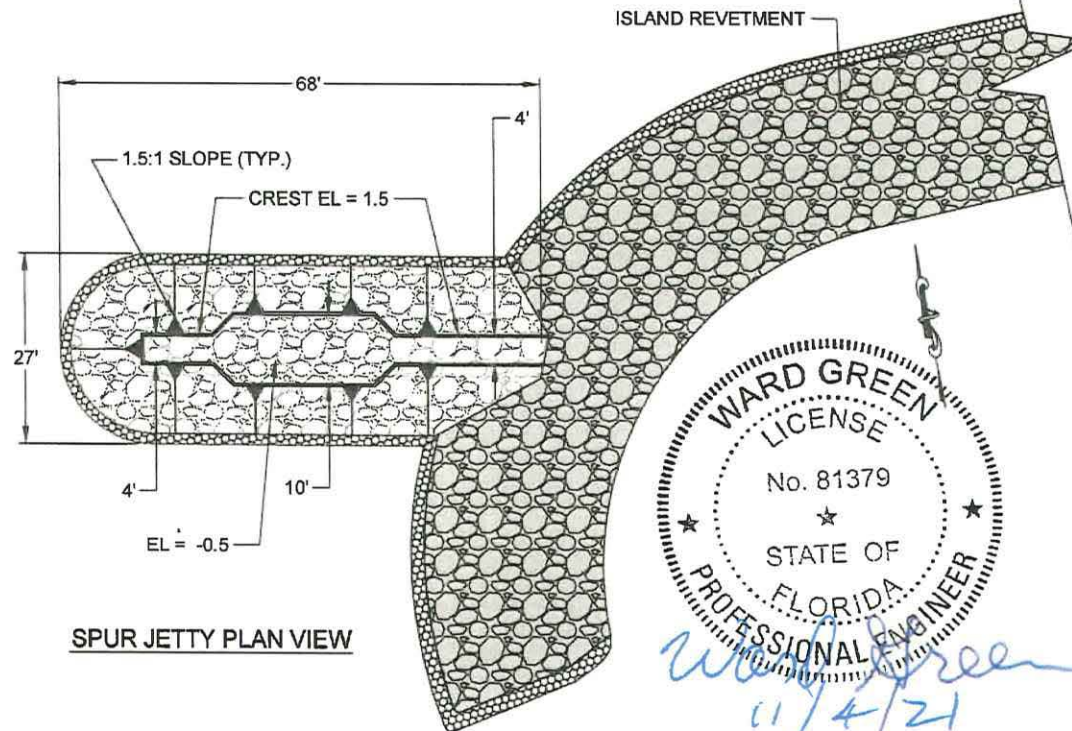
ARMOR STONE



BEDDING STONE



SAND FILL



SPUR JETTY PLAN VIEW

NOTE: THESE  
DRAWINGS ARE FOR  
PERMITTING PURPOSES  
ONLY.



Scale: AS NOTED  
Drawn By: CG  
Date: 10/29/2021

PROVIDENCIA CAY HABITAT ENHANCEMENT  
PERMIT PLANS

SPUR JETTY DETAILS

Project

Sheet

9  
OF  
10

PROJECT ELEMENTS	MATERIAL	VOLUME (CY)	AREA <sup>1</sup> (AC)	HABITAT AREAS <sup>1</sup> (AC)				
				MANGROVE & SPARTINA <sup>2</sup>	SEAGRASS <sup>3</sup>	SUPRA- TIDAL <sup>4</sup>	OYSTER <sup>5</sup>	BENTHIC <sup>6</sup>
PLATEAU FILL	SAND	41,400	3.79	0	2.59	0	0	1.20
ISLAND FILL	SAND	10,600	0.90	0.90	0	0	0	0.05
REVTMENT & SPUR JETTY	STONE	1,740	0.43	0	0	0.18	0.15	0.10
OYSTER BANKS	STONE	60	0.04	0	0	0	0.04	0
OYSTER REEFS	STONE	450	0.08	0	0	0.01	0.03	0.04
OYSTER PODS	STONE	220	0.05	0	0	0	0.03	0.02
SUBTOTAL (FILL):		52,000	4.69					
SUBTOTAL (STONE):		2,470	0.60					
TOTAL (PROJECT):			5.29	0.90	2.59	0.19	0.25	1.41

<sup>1</sup> Non-overlapping footprints. Acreage assigned to each element at its highest elevation and slopes to where it meets another element.

<sup>2</sup> Defined as fill at elevation -0.5 feet NAVD.

<sup>3</sup> Defined as fill at elevation -6 feet NAVD.

<sup>4</sup> Portion of the stone structures above MHW. See figure below.

<sup>5</sup> Portions of the stone structures between MLW and MHW. See figure below.

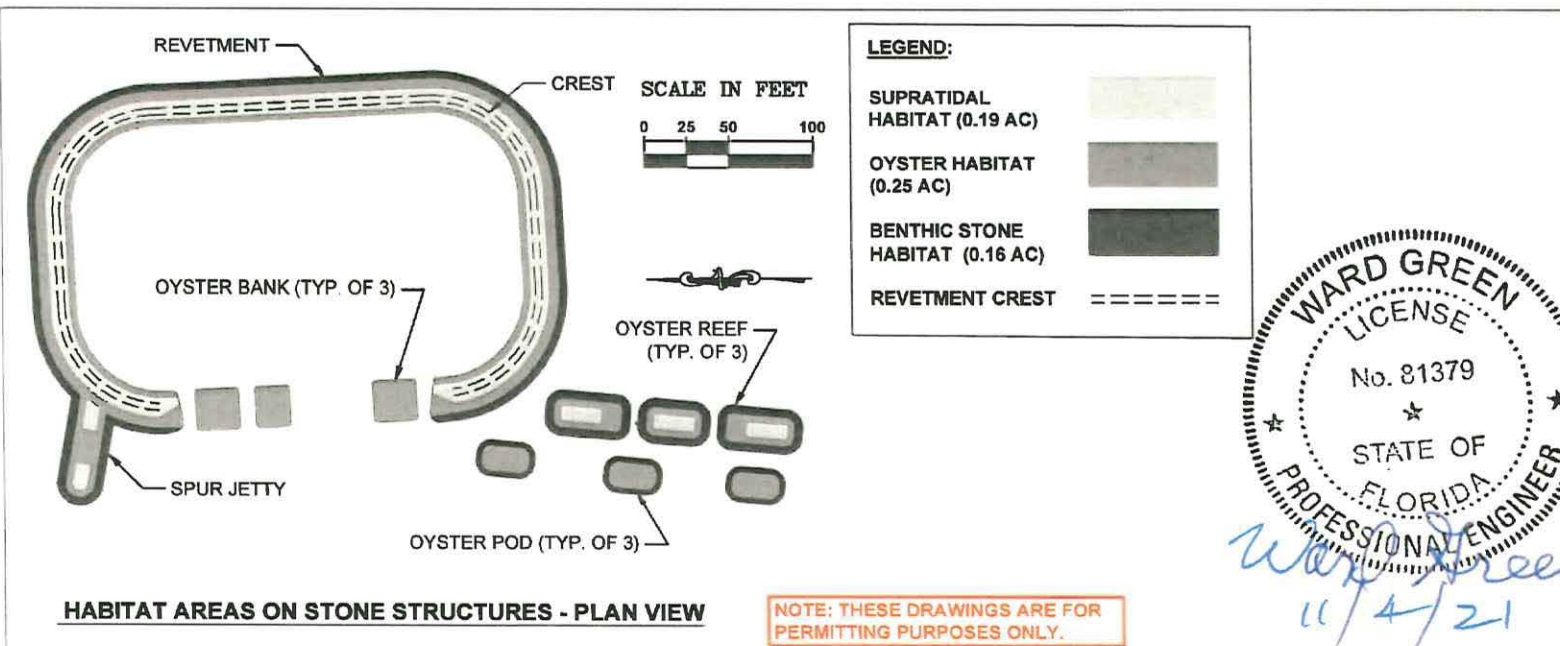
<sup>6</sup> Portion of the elements below MHW, not included as part of other habitat areas. See Sheet 5 for benthic sand habitat. See figure below for benthic stone habitat.



Scale: AS NOTED  
Drawn By: CG  
Date: 10/29/2021

PROVIDENCIA CAY HABITAT ENHANCEMENT  
PERMIT PLANS  
QUANTITIES

Sheet: 10 OF 10



## **COMMENCEMENT NOTIFICATION**

*Within 10 days of initiating the authorized work, submit this form via electronic mail to [saj-rd-enforcement@usace.army.mil](mailto:saj-rd-enforcement@usace.army.mil) (preferred, not to exceed 15 MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number:** \_\_\_\_\_.

2. **Permittee Information:**

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

3. **Construction Start Date:** \_\_\_\_\_

4. **Contact to Schedule Inspection:**

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Printed Name of Permittee

\_\_\_\_\_  
Date



## **AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER**

*Within sixty (60) days of completion of the authorized work, submit this form and one set of as-built engineering drawings via electronic mail to [saj-rd-enforcement@usace.army.mil](mailto:saj-rd-enforcement@usace.army.mil) (preferred, but not to exceed 15 MB) or by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019. If you have questions regarding this requirement, please contact the Enforcement Branch at 904-232-3697.*

1. Department of the Army Permit Number: SAJ-       -       (       -CGK)

2. Permittee Information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

3. Project Site Identification (physical location/address):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. As-Built Certification: I hereby certify that the authorized work, including any mitigation required by Special Conditions to the permit, has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

\_\_\_\_\_  
Signature of Engineer

\_\_\_\_\_  
Name (*Please type*)

\_\_\_\_\_  
(FL, PR, or VI) Reg. Number

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
ZIP

(Affix Seal)

\_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_

Telephone Number

Date Work Started: \_\_\_\_\_ Date Work Completed: \_\_\_\_\_

Identify any deviations from the approved permit drawings and/or special conditions (attach additional pages if necessary):

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

## STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com)
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at [MyFWC.com/manatee](http://MyFWC.com/manatee). Questions concerning these signs can be sent to the email address listed above.



# CAUTION: MANATEE HABITAT

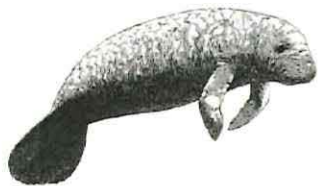
All project vessels

**IDLE SPEED / NO WAKE**

When a manatee is within 50 feet of work  
all in-water activities must

**SHUT DOWN**

Report any collision with or injury to a manatee:



**Wildlife Alert:**

**1-888-404-FWCC(3922)**

cell \*FWC or #FWC

Prepared by:

Permittee: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Phone: \_\_\_\_\_

### **NOTICE OF DEPARTMENT OF THE ARMY PERMIT**

**TAKE NOTICE** the United States Army Corps of Engineers (Corps) has issued a permit or verification SAJ-2021-02060 to Deborah Drum (Permittee) on \_\_\_\_\_, authorizing work in navigable waters of the United States in accordance with Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344) on a parcel of land known as Folio/Parcel ID:

\_\_\_\_\_ located east of Flagler Drive in between Palm Beach Lakes Blvd and 9th Street in West Palm Beach, Section 15, Township 43 South, Range 43 East, Palm Beach County, Florida.

Within 30 days of any transfer of interest or control of said property, the Permittee must notify the Corps in writing of the property transfer by submitting the completed permit transfer page included with the issued permit or verification. Notification of the transfer does not by itself constitute a permit transfer. Therefore, purchasers of that portion of the premises containing the area authorized to be filled (or any portion thereof) are notified that it is unlawful for any person to construct, alter, operate, maintain, remove or abandon any works, including dredging or filling, or any other work within, over, or under waters of the United States (including wetlands) without first having obtained a permit from the Corps in the purchaser's name.

**Conditions of the Permit/Verification:** The permit or verification is subject to General Conditions and Special Conditions which may affect the use of the work authorized in Intracoastal Waterway. Accordingly, interested parties should closely examine the entire permit or verification, all associated applications, and any subsequent modifications.

To obtain a copy of the authorization in its entirety submit a written request to:  
U.S. Army Corps of Engineers  
Regulatory Division - Special Projects & Enforcement Branch  
Post Office Box 4970  
Jacksonville, Florida 32232-0019

Questions regarding compliance with these conditions should be directed to:  
U.S. Army Corps of Engineers  
Enforcement Section  
Post Office Box 4970  
Jacksonville, Florida 32232-0019

**Conflict Between Notice and Permit**

This Notice of Authorization is not a complete summary of the issued permit or verification. Provisions in this Notice of Permit shall not be used in interpreting the permit or verification provisions. In the event of conflict between this Notice of Permit and the permit or verification, the permit or verification shall control.

**This Notice is Not an Encumbrance**

This Notice is for informational purposes only. It is not intended to be a lien, encumbrance, or cloud on the title of the premises.

**Release**

This Notice may not be released or removed from the public records without the prior written consent of the Corps.

This Notice of Authorization is executed on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. This document is being submitted for recordation in the Public Records of Palm Beach County, Florida as part of the requirement imposed by the authorization SAJ-2021-02060 (CP-CGK) issued by Corps.

Permittee:

\_\_\_\_\_

Address:

\_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, who is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public

(seal)

\_\_\_\_\_  
Print

My Commission Expires \_\_\_\_\_



## **Consolidated Environmental Resource Permit and State-owned Submerged Lands Authorization**

**Permit No.: 50-0404380-001-EI**

### **PROJECT LOCATION**

The activities authorized by this Permit and state-owned submerged lands authorization are located within Lake Worth Lagoon, Class III Waters, adjacent to the intersection of Palm Beach Lakes Blvd., and N Flagler Dr., West Palm Beach (Section 15, Township 43 South, Range 43 East), in Palm Beach County (Latitude N 26° 43' 25.91", Longitude W -80° 2' 56.66").

### **PROJECT DESCRIPTION**

This permit authorizes the enhancement and restoration of approximately 6.03-acres of habitat within the Lake Worth Lagoon. The enhancement and restoration activities consist of: 1) filling of a 6.03-acre dredge hole to a depth of minus six (-6) feet NAVD to match existing grade (52,000 cubic yards of fill); 2) creation of 2.57-acre of seagrass habitat by increasing the elevation within flat bottom areas to a depth of minus six (-6) feet NAVD (41,400 cubic yards of fill); 3) creation of intertidal emergent islands for oyster and mangrove habitat, upon which red mangrove (*Rhizophora mangle*) seedlings will be planted (1.09-acres, 10,600 cubic yards of fill); and 4) installation of riprap boulders to encircle and protect the created emergent islands (1.6-acres, 2,600 cubic yards of riprap boulders).

This permit authorizes 6.03 acres of impacts to wetland or other surface waters. Submerged resources are not located within the project boundaries; therefore, there will be no adverse impacts to these resources. Mitigation is not required.

The attached standard manatee conditions (version 2011) shall be adhered to during all in-water work. Prior to construction commencement, weighted floating turbidity curtains, extending to within one-foot from the submerged bottom shall be utilized around the project area to ensure that any turbidity resulting from construction activities will be contained within the project boundaries. All water bodies, including any adjacent submerged aquatic vegetation outside the specific limits of construction authorized by this permit shall be protected from erosion, siltation, sedimentation, and/or scouring.

### **AUTHORIZATIONS**

#### Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

#### Sovereignty Submerged Lands Authorization

The activity is located on sovereignty submerged lands owned by the State of Florida. It therefore also requires authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.77, F.S.

As staff to the Board of Trustees under Sections 253.002, F.S., the Department has determined that the activity qualifies for and requires a Letter of Consent, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

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During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), Florida Administrative Code. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

#### Federal Authorization

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **shall be required** from the Corps. You must apply separately to the Corps using their APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source Book at: <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book>.

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection (or Duly Authorized Designee), State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

#### Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

#### Water Quality Certification

This permit also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

#### Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

#### **PERMIT & SOVEREIGNTY SUBMERGED LANDS CONDITONS**

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The Special Consent Conditions**
- **The General Conditions for Sovereignty Submerged Lands Authorization**

Project Name: Providencia Park

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- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

#### **SPECIFIC CONDITIONS- PROJECT FORMS & ATTACHMENTS**

(1) The attached project drawings (sheets 1 through 10); Providencia Park Turbidity Monitoring Plan (1 page); the Standard Manatee Conditions for In-Water Work, 2011; and DEP forms 62-330.310(1); 62-330.310(2); 62-330.340(1); and 62-330.350(1), which may be downloaded at <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm> become part of this permit. If the permittee does not have access to the Internet, please contact the Department at (561) 681-6600 to request the aforementioned forms and/or document(s).

(2) If the attached permit drawings conflict with the specific conditions, then the specific conditions shall prevail.

#### **SPECIFIC CONDITIONS - PRIOR TO CONSTRUCTION**

(3) After selection of the contractor to perform the authorized activities and prior to the initiation of any work authorized by this permit, the permittee (or authorized agent) and the contractor shall attend a pre-construction conference with a representative of the Department. It shall be the responsibility of the permittee to contact the Department's Compliance Assistance Program, by email [SED\\_Compliance@FloridaDEP.gov](mailto:SED_Compliance@FloridaDEP.gov), or by phone (561) 681-6600, to schedule the pre-construction conference.

(4) The permittee shall ensure that the permit conditions are explained to all construction personnel working on the project and for providing each contractor and subcontractor with a copy of this permit before the authorized work begins.

(5) Prior to the initiation of any work authorized by this permit, floating turbidity curtains with weighted skirts that extend to within one foot of the bottom shall be placed around the project site, and shall be maintained and remain in place for the duration of the project construction to ensure that turbid discharges do not occur outside the boundaries of the floating turbidity screens. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent turbid discharges.



## **SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES**

- (6) All storage or stockpiling of tools or material (i.e. lumber, pilings, debris, etc.) shall be limited to uplands or within the impact areas authorized by this permit.
- (7) All watercraft associated with the construction of the permitted structure shall operate within waters of sufficient depth to preclude bottom scouring, prop dredging or damage to submerged bottom or submerged resources. During all construction activities, there shall be a minimum of 1-foot clearance between the draft of the construction vessel/barge and the submerged bottom.
- (8) The surrounding waterbody and marine resources located outside of the specific limits of construction, authorized by this permit, shall be protected from siltation, sedimentation, and/or scouring. Best management practices for turbidity and erosion control shall be implemented and maintained at all times during to prevent siltation and turbid discharges into the surface waters surrounding the project site.
- (9) "Riprap" shall consist of unconsolidated boulders, rocks, or clean concrete rubble with no exposed reinforcing rods or similar protrusions. The riprap shall be free of sediment, debris and toxins or otherwise deleterious substances. Riprap shall have a diameter of at least 12 inches to 3 feet.
- (10) All watercraft associated with the construction of the permitted structure shall operate within waters of sufficient depth to preclude bottom scouring, prop dredging or damage to submerged bottom or submerged resources. During all construction activities, there shall be a minimum of 1-foot clearance between the draft of the construction vessel/barge and the submerged bottom.
- (11) All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a one-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- (12) Fill material shall be sand that is compatible with lagoon sediments (<10% silt/clay) and shall be from a mined upland source or beneficial reuse of compatible lagoon sediments from a permitted dredge project.
- (13) No dredging or filling of submerged grassbeds or live bottom communities is authorized by this permit.

## **SPECIFIC CONDITIONS – MONITORING/REPORTING REQUIREMENTS**

- (14) Turbidity levels outside the construction area shall not exceed 29 NTU's above background levels. The following measures shall be taken immediately by the permittee whenever turbidity levels within waters of the State surrounding the project site exceed 29 NTUs above background:
- a. Notify the Department at (561) 681-6600 at the time the violation is first detected.
  - b. Immediately cease all work contributing to the water quality violation.

- c. Stabilize all exposed soils contributing to the violation. Modify the work procedures that were responsible for the violation, install more turbidity containment devices, and repair any non-functional turbidity containment devices.
- d. As required, perform turbidity monitoring per Specific Conditions.
- e. Resume construction activities once turbidity levels outside turbidity curtains fall below 29 NTUs.

(15) Turbidity Monitoring: Water turbidity levels shall be monitored if a turbidity plume is observed outside the limits of the required turbidity control devices. Samples shall be taken every four hours until turbidity subsides at one foot above the bottom, mid-depth, and one-foot below the surface at monitoring stations located as follows:

- a. Approximately 100 feet up-current of the work sites and clearly outside the influence of construction activities. (This shall serve as the natural background sample against which other turbidity readings shall be compared.)
- b. Directly outside the turbidity curtains surrounding the work sites and within the densest portion of any visible turbidity plume. (This sample shall serve as the compliance sample.)

(16) Turbidity Monitoring Reports: During dredging activities, the permittee or permittee's contractor shall collect the following turbidity monitoring data at the frequency and water depths directed by the Specific Condition above:

- a. Date and time of sampling event
- b. Turbidity sampling results (background NTUs, compliance NTUs, and the difference between them)
- c. Description of data collection methods
- d. An aerial map indicating the sampling locations
- e. Depth of sample(s)
- f. Weather conditions at times of sampling
- g. Tidal stage and direction of flow

Data shall be collected in a turbidity log and shall include a statement by the individual responsible for implementation of the sampling program attesting to the authenticity, precision, limits of detection, and accuracy of the data. The turbidity log shall be scanned and sent on a weekly basis to the Department's ERP Compliance Assurance Program via email at [SED\\_Compliance@FloridaDEP.gov](mailto:SED_Compliance@FloridaDEP.gov). The subject line of the email shall include the project name, permit number, and the title "Turbidity Monitoring Reports."

#### **SPECIFIC CONDITIONS - OPERATIONS**

(17) Vessels utilizing this structure shall maintain a minimum of one-foot clearance between the deepest draft of the vessel with the engine in the down position and the submerged bottom so as to preclude bottom scouring or prop dredging.

#### **SPECIFIC CONDITIONS – MANATEE CONDITIONS**

(18) The permittee shall comply with the standard manatee protection construction conditions listed in the attached "2011 Standard Manatee Conditions for In-Water Work".

#### **SPECIFIC CONDITIONS – LISTED SPECIES**

(19) This permit does not authorize the permittee to cause any adverse impact to or "take" of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of "take" and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a "take" permit cannot be issued. Requests for further information or review can be sent to [FWCConservationPlanningServices@MyFWC.com](mailto:FWCConservationPlanningServices@MyFWC.com).

#### **GENERAL CONDITIONS FOR INDIVIDUAL PERMITS**

The following general conditions are binding on all individual permits issued under chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

(1) All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.

(2) A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

(3) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

(4) At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.



(5) Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.

(6) Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:

- a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – “Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit” [Form 62-330.310(3)]; or
- b. For all other activities – “As-Built Certification and Request for Conversion to Operational Phase” [Form 62-330.310(1)].
- c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

(7) If the final operation and maintenance entity is a third party:

- a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
- b. Within 30 days of submittal of the as- built certification, the permittee shall submit “Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity” [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

(8) The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

(9) This permit does not:

- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
- b. Convey to the permittee or create in the permittee any interest in real property;
- c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
- d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

(10) Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

(11) The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.

(12) The permittee shall notify the Agency in writing:

- a. Immediately if any previously submitted information is discovered to be inaccurate; and
- b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

(13) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

(14) If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

(15) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

(16) The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

(17) This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

(18) A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

## **SPECIAL CONSENT CONDITIONS**

1) The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.

2) Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.

3) Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.

4) All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.

5) This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

## **GENERAL CONDITIONS FOR SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION**

Any use of sovereignty submerged lands is subject to the following general conditions are binding upon the applicant and are enforceable under Chapter 253, F.S.

(1) Sovereignty submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty submerged lands unless cured to the satisfaction of the Board of Trustees.

(2) Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.



(3) Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. and Chapter 18-14, F.A.C.

(4) Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.

(5) Construction, use, or operation of the structure or activity will not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.

(6) Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court's decision.

(7) Structures or activities will not create a navigational hazard.

(8) Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.

(9) Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.

(10) The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.

(11) Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.

(12) Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.

(13) All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified

mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.

(14) This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

### **NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

#### **Petition for Administrative Hearing**

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us). Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

#### **Time Period for Filing a Petition**

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14

days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver may not apply to persons who have not received a clear point of entry.

#### Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us), before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

#### Mediation

Mediation is not available in this proceeding.

#### FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

#### Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.